

**Massachusetts Part C**  
**State Annual Performance Report (APR)**  
**FFY 2009**

Indicator 1: Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. ....	1
Indicator 2: Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings. ....	8
Indicator 3: Percent of infants and toddlers with IFSPs who demonstrate improved:.....	12
A. Positive social-emotional skills (including social relationships); .....	12
B. Acquisition and use of knowledge and skills (including early language/ communication); and .....	12
C. Use of appropriate behaviors to meet their needs. ....	12
Indicator 4: Percent of families participating in Part C who report that early intervention services have helped the family: .....	21
A. Know their rights; .....	21
B. Effectively communicate their children's needs; and .....	21
C. Help their children develop and learn. ....	21
Indicator 5: Percent of infants and toddlers birth to 1 with IFSPs compared to national data. ....	26
Indicator 6: Percent of infants and toddlers birth to 3 with IFSPs compared to national data. ....	29
Indicator 7: Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45 -day timeline.....	31
Indicator 8A: Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including: .....	37
A IFSPs with transition steps and services .....	37
Indicator 8B: Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including: .....	42
B. Notification to LEA, if child potentially eligible for Part B; .....	42
Indicator 8C: Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including: .....	48
C. Transition conference, if child potentially eligible for Part B. ....	48
Indicator 9: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. ....	54
Indicator 10: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. ....	60
Indicator 11: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline. ....	62
Indicator 12: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted). ....	64
Indicator 13: Percent of mediations held that resulted in mediation agreements. ....	65
Indicator 14: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. ....	66

## Part C State Annual Performance Report (APR) for FFY 2009

### Overview of the Annual Performance Report Development:

#### Background

The Massachusetts Department of Public Health has the responsibility for administering and overseeing the statewide system of Early Intervention services, for certifying programs and coordinating funding sources, and for carrying out monitoring and technical assistance activities. There are currently fifty-eight certified community-based programs serving all the cities and towns in the Commonwealth.

Massachusetts is a moderately populated state that served a little over 15,000 Part C eligible children on October 1, 2009. In FFY 2009 approximately 32,000 children received an EI IFSP service. Each Early Intervention Program (EIP) is responsible for providing an evaluation and assessment to determine eligibility, developing the initial Individualized Family Service Plan (IFSP), providing initial and ongoing service coordination, and providing and coordinating the provision of early intervention services to children and families in accordance with the IFSP.

#### State's Timely Services Definition

Massachusetts continues to define "timely services" as those that begin within 30 calendar days from the IFSP Signature date.

#### **Monitoring Priority: Early Intervention Services In Natural Environments**

**Indicator 1:** Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.

(20 U.S.C. 1416(a) (3) (A) and 1442)

#### **Measurement:**

Percent = [(# of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner) divided by the (total # of infants and toddlers with IFSPs)] times 100.

Account for untimely receipt of services, including the reasons for delays.

FFY	Measurable and Rigorous Target
<i>FFY 2009</i> <i>(July 1, 2009 – June 30, 2010)</i>	<b>100%</b>

#### **Actual Target Data for FFY 2009 (July 1, 2009 – June 30, 2010):**

<b>99.3%</b> <b>(576/580)</b>
----------------------------------

The target data was collected from the fiscal year 2010 Annual Report, Timeliness of Services Survey. The Timely Services report is used to provide data for the Massachusetts' State Performance Plan (SPP) and Annual Performance Report (APR) response to Indicator #1, Timely Provision of Services. This information captures the timeliness of services based on the State's definition of 30 days from IFSP signature date. The data collection at each program included a sample of 10 children with an initial IFSP on or after July 1, 2009 as of 6/10/2010 (data source - Early Intervention Information System (EIS)).

Each EIP must provide the following data for each service listed on the IFSP for ten clients: IFSP type (initial or subsequent), IFSP signature date, service type, frequency and duration of services provided per month, discipline, first date of service and the primary reason for the delay (if the number of days between the IFSP signature date and the services date was greater than 30 days).

**Infants and Toddlers with IFSPs who receive Early Intervention Services in a Timely Manner:**

a. Number of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner	<b>576</b>
b. Total number of infants and toddlers with IFSPs	<b>580</b>
Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner (Percent = [(a) divided by (b)] times 100)	<b>99.3%</b>

Statewide Timely Services data is presented in Table 1.

**Table 1: Timely Services Data**

<b>Children Receiving Timely Services</b>	<b>Children with Delays due to Exceptional Family Circumstances</b>	<b>Total Children with Timely Services + Children with Delays due to Exceptional Family Circumstances</b>	<b>Children not Receiving Timely Services</b>
68.3% (396/580)	31.0% (180/580)	<b>99.3%</b> <b>( 576 /580)</b>	.7% (4/580)

The following table provides the exceptional family circumstance/reasons for delay in providing 293 services for the 180 children not receiving timely services.

**Table 2: Extraordinary Family Circumstances/Reasons for Service Delays (Compliant):**

<b>Extraordinary Family Circumstance</b>	<b>Acceptable Reason for Delay</b>	
	<b># Services</b>	<b>% Services</b>
Family request	96	32.8%
Family cancelled	72	24.6%
Unable to contact/No shows	58	19.8%
Family situation(vacation/move/illness)	43	14.7%
Family agreed to later start date	21	7.2%
Family decided against service	3	1.0%
<b>Total</b>	<b>293</b>	<b>100.0%</b>

The following table identifies the number of children who had one or more services delayed based on the total number of services on the child's IFSP.

**Table 3: Children by Number of Services Delayed on Their IFSP**

Number of Services Delayed	# Children	% Children
One delayed service	4	100%
2 to 5 delayed services	0	0.0%
6+ delayed services	0	0.0%
Total	4	100%

All four of the children had only one service on their IFSPs delayed. Reasons for the delay that were considered noncompliant included staff schedule, staffing issues.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

The methodology for collecting data for Indicator #1 remained the same as last year. The FY 2010 Annual Report /Self Assessment which included the Timeliness of Services survey was distributed to local EI providers on July 12, 2010 with a submission deadline of September 17, 2010. The new submission timeline allowed an opportunity for extensive follow up and drill down of data by the Lead Agency staff and the local Early Intervention provider. Preliminary local program reports were generated that provided program percents and compliance information along with client -level reports of children deemed out-of-compliance or those that exceeded the 30 calendar days from the IFSP signature date. The FY10 Annual Report – Timeliness of Services Section was matched to the client's service delivery data. Programs were given an opportunity to review the reports and to correct problems related to IFSP Signature Date or First Date of Service to ensure that data was reported correctly and accurately. **See Attachment ma-apr-2011c#1: Annual Report/Self-Assessment Fiscal Year 2010 Instructions, starting on page 8 - Completing the Timeliness of Services Grid.**

Lead Agency Regional staff reviewed data submitted on all components of the Annual Report/Self Assessment prior to federal reporting.

The data collection at each program included a sample of 10 children with an initial IFSP on or after July 1, 2009 (based on EIS data received as of June 10, 2010). If an EI program had less than 10 children during this timeframe then children having an initial IFSP earlier in the fiscal year were included. The criteria for the selection of the sample 10 records included the following:

- 2 IFSP children per program who are birth to 11 months of age
- 2 IFSP children per program who are 24 to 36 months of age
- 2 IFSP children per program whose eligibility is developmental delay
- 1 IFSP child per program whose eligibility was clinical judgment or at risk *(if a program did not have any clinical judgment/at risk children then the DPH selected one of the following: (a) a mom over 30 years of age at the child's birth, (b) a child having a mom whose primary language is not English, or (c) a child having a mom whose education was less than 12 years)*
- 1 IFSP child per program whose eligibility was established condition *(if a program did not have any established condition kids then the DPH selected a child whose eligibility was established condition/developmental delay/at risk)*
- 1 IFSP child per program whose primary insurer is MassHealth
- 1 IFSP child per program whose primary insurer is a commercial insurer

The Lead Agency utilized consistent criteria for selection of the sample for the Timeliness of Services grid across all programs and included all age groups and eligibility categories which reflect data for infants and toddlers with IFSPs for the full reporting period.

### Report of Progress – Indicator 1

	Measurable and Rigorous Target 2006-2007	Baseline 2004-2005	Actual Data 2005-2006	Actual Data 2006-2007	Actual Data 2007-2008	Actual Data 2008-2009	Actual Data 2009-2010
Indicator 1: Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs	100%	89.5%*	74%	86.8%	90.0%	95.5%	99.3%

\* Baseline 2004 -2005 was calculated based on the percent of services provided in a timely manner. All measures of performance for Indicator 1 now reflect the correct measurement of the percent of infants and toddlers receiving early intervention services on their IFSPs in a timely manner.

- Massachusetts FFY 2009 reported data for this indicator, *Percent of Infants and Toddlers with IFSP who receive IFSP services in a Timely Manner*, is **99.3%**. The state did not meet its target of 100% compliance for this Indicator, however the data represent significant improvement from the FFY 2008 data of 95.5% and progress from the FFY 2007 data of 90%. In addition, 54 out of 58 Early Intervention Providers were at 100% compliance with this Indicator.

#### **Improvement Activities FFY 2009**

The Lead agency continues to provide additional clarification and guidance to providers regarding compliance with the timely services indicator. This included additional clarification to the FY 2010 Annual Report/Self Assessment Instructions to ensure the accuracy and reliability of data reported at the local program level; program specific guidance and training on the State's definition of Timely Services; and technical assistance on the timely assignment of Service Coordinators and tracking systems to ensure the timely provision of service.

The Lead Agency will also reconvene the Data Stakeholders group to obtain feedback from providers on the current methodology for collecting data for Indicator # 1 and to identify other training needs of the field.

**Public Reporting/Local Determinations** – Massachusetts publically reported local program performance on Indicator # 1 on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention) and data will continue to be reported on an annual basis. In addition, local program reports were distributed to each EIP highlighting program performance on the percent of eligible infants and toddlers who receive the early intervention services on their IFSPs in a timely manner. Data gathered on this Indicator is used in making Local Determinations.

**Focused Monitoring** – Focused Monitoring (FM) is one component of the Massachusetts Monitoring System. The DPH continues to use all available data sources to monitor compliance and track improvement, such as the Annual Report/Self Assessment, Data Verification, Dispute Resolution and Local Determinations.

The FM process has continued to evolve in the Massachusetts EI system over the last several years. Given the high compliance rate with this Indicator the Lead Agency is no longer using the Timely provision of services as a data source for onsite selection. The Lead Agency has moved away from identifying Priority Areas that are tied to program compliance and use the process and components of FM to gather information about program and commendable practices that will help guide the DPH in making policy decisions. Programs that are low performing or have identified noncompliance with regard to Timely provision of services through the Annual Report will be issued a Corrective Action Plan and will be reported in the FFY 2010 APR.

#### **Noncompliance Identified in FFY 2009**

Two Findings of noncompliance were identified in FFY 2009 (July 1, 2009 – June 30, 2010) related to Indicator # 1. Both Findings of noncompliance were identified through the Annual Report/Self Assessment -Timely Services Report. Written notification of the Finding based on the FY 2008 Annual Report was provided to one EIP in August 2009. The other program was notified in writing of the Finding of noncompliance in June 2010 based on the FY 2009 Annual Report. Written notification of the Findings was made in August 2009 and June 2010 respectively. Based on enhanced monitoring of data and the additional review and drill down of data at the local program level all other instances of noncompliance were corrected and verified through file review and request for additional data from local EIPs to issuing a formal notification of a Finding of noncompliance. Timely correction of noncompliance identified in FFY 2009 will be reported in the FFY 2010 APR.

**Correction of FFY 2008 Findings of Noncompliance (if State reported less than 100% compliance):**  
Level of compliance (actual target data) State reported for FFY 2008 for this indicator: **95.5%**

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008, through June 30, 2009)	<b>9</b>
2. Number of FFY 2008 findings the State verified as timely corrected (verified as corrected within one year from the date of notification to the EIS program of the finding)	<b>9</b>
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>0</b>

#### **Verification of Correction of FFY 2008 noncompliance or FFY 2008 findings (either timely or subsequent):**

As required by OSEP's June 1, 2010, FFY 2008 SPP/APR Response table, Massachusetts verified that that all nine EI programs with noncompliance with this indicator were correctly implementing the timely service provision requirements. The programs achieved 100% compliance in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) based on a review of subsequent data collected through the Annual Report timeliness of services survey/report and review of five random charts to ensure ongoing compliance on children referred after 7/1/2009; and had initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child was no longer within the jurisdiction of the EIS program. The State's Service Delivery Report also verified that all non-compliant clients from the nine EIPs with a finding subsequently received services.

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:**

Nine Findings of non-compliance were issued in FFY 2008 related to Indicator # 1. Seven Findings were identified through the Annual Report/Self Assessment and were provided written notification between May – June 2009. Two other Findings of noncompliance considered under Related Requirements for the Indicator (Consent for IFSP Services and Prior Written Notice of upcoming IFSP Meeting) were identified through the Focused Monitoring Process. Corrective Action Plans that identified any root causes of noncompliance as well as any noncompliant policies, procedures or practices that contributed to the noncompliance were requested to be completed for all EIPs with Findings, and all plans were received in a timely manner and approved by the Lead Agency.

Four of the seven Findings of noncompliance identified through the Annual Report/Self Assessment were verified as corrected through the FY09 Annual Report - Timeliness of Services report that was run on 11/25/2009. These four programs achieved 100% compliance at the time the additional data was provided to substantiate compliance with the timely provision of services and provided evidence that all children who did not receive timely service did receive them, although late.

Subsequent verification activities substantiated 100% compliance and provided evidence that all children who did not receive timely service did receive them, although late for the remaining three Findings of noncompliance identified in the Annual Report/Self Assessment through onsite record review in October and November, 2009 and January, February and March 2010.

One Finding of noncompliance under Related Requirements with regard to *obtaining consent for IFSP services*, was identified through the FM process in January 2009. The program was notified of the noncompliance in February 2009, and the Corrective Action Plan was received by the Lead Agency in April 2009. The following activities were performed to verify initial and ongoing compliance with regard to obtaining consent for IFSP services:

6/29/2009 – onsite file review (10 records) – 100%

10/22/2009 – onsite file review (10 records) – 100%

In addition to verification activities the EIP provided training for staff on requirements for obtaining consent for IFSP services and developed policies and procedures to ensure ongoing compliance. To ensure correction, although late, for individual instances, IFSP teams were required to contact parents and obtain consent, although late, for services.

The other Finding of noncompliance under Related Requirements with regard to providing *prior written notice for IFSP meetings* was also identified through FM in January 2009. The program was notified of the noncompliance in February 2009, and the Corrective Action Plan was received by the Lead Agency in April 2009. Onsite file review of 10 files in June 2009 verified 100% compliance with regard to ensuring families are provided with written prior notice prior to IFSP meetings and determinations of eligibility. In addition the program implemented policies and procedures to ensure that prior written notice was consistently being provided. Because the requirement is time-sensitive, individual correction was conducted by contacting parents and informing them that they would receive prior written notice for all future meetings.

**Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):**



Statement from the Response Table	State's Response
If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary	Massachusetts reviewed its improvement activities for this indicator and will continue to provide technical assistance and support to local EIPs unable to achieve 100% compliance with this Indicator.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010):**

In addition to providing ongoing technical assistance and support, and staff training to programs regarding this Indicator, the Lead Agency will continue to share best practices for those programs maintaining 100% compliance with the Indicator. The Data Manager and Lead Agency staff will continue to provide technical assistance and guidance to local early intervention programs on the State's definition of "timely services" and assist programs in the development of appropriate tracking systems to monitor timely provision of services. Regional lead agency staff will continue to review and monitor data and provide local program reports on performance in this Indicator.

**Timeline:** Ongoing

**Resource:** Lead Agency Staff & Data Manager

**New Improvement activities noted above are reflected in the Massachusetts Part C State Performance Plan that will be posted on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention).**

Massachusetts Part C also extended its targets and improvement activities for two additional years (FFY 2011 and FFY 2012). The revised targets and improvement activities are included in the SPP.

## Part C State Annual Performance Report (APR) for FFY 2009

### Overview of the Annual Performance Report Development:

#### Background

Early Intervention services are provided in natural settings, that is, in settings a child would spend time or participate in if he/she were not enrolled in Early Intervention. These settings include the home, child care centers, or other community activities. Early Intervention staff work in partnership with those individuals present in the child's daily routines and natural settings. Staff disciplines providing early intervention services may include speech, occupational and physical therapists, developmental specialists, social workers, psychologists and nurses. In addition, Early Intervention programs may contract with consultants in areas such as nutrition, adaptive equipment, and behavior management.

#### Monitoring Priority: Early Intervention Services In Natural Environments

**Indicator 2:** Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings.

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:** Percent = [(# of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings) divided by the (total # of infants and toddlers with IFSPs)] times 100.

FFY	Measurable and Rigorous Target
FFY 2009 (July 1, 2009- June 30, 2010)	95%

#### Actual Target Data for FFY 2009 (July 1, 2009 – June 30, 2010):

The Data Source for the actual target data was Table 2 of the 618 data, *The Report of Program Setting Where Early Intervention Services Are Provided To Children with Disabilities and Their Families in Accordance with Part C*. The child population for Table 2 of the 618 data is the October 2009 child count.

**Table 1 - Percent of Infants and Toddlers with IFSP who receive early intervention services in Home or Programs for typically developing children**

% of Infants & Toddlers receiving services in Home	% of Infants & Toddlers receiving services in Community Based Settings	% of Infants and Toddlers receiving services in Other Settings	% of Infants & Toddlers receiving services in natural settings (Home + Community Based Settings)
78.5% (11,885/15,132)	19.8% (2,994/15,132)	1.7% (253/15,132)	98.3% (14,879/15,132)

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Massachusetts reported 98.3% (14,879 of 15,132 children in the 10/1/2009 child count) of children with IFSP who received primary services in natural settings. Massachusetts remained consistent with last year's data based on the October 1, 2008 child count which showed 98.4% of this population received primary services in a natural setting. The State exceeded its target of 95%.

Massachusetts continues to use service delivery data to report primary settings. The goal is to include a primary setting question on the IFSP Early Intervention Information System (EIS) form in the next EIS upgrade. The Lead Agency surveys local EI programs to identify children whose primary setting is a hospital or residential center. The primary setting is generated according to all services occurring during the IFSP time period in effect on 10/1/2008.

The current 618 collection used "programs for typically developing children" in its calculation and includes the following categories:

- Home
- Community-based setting
- Other setting (includes center-individual and EI segregated child group services)

As noted above Massachusetts exceeded its target of 95% with the State FFY 2009 data for this indicator of **98.3%** which continues to reflect a high level of performance for this Indicator. The small percentage of services provided in more structured clinically based settings for this indicator is believed to be attributable to an increased number of more medically complex children or those requiring equipment available only in specialized clinical settings. Due to shortages in personnel in the allied health professions, EI programs continue to subcontract out with private agencies to provide appropriate services identified on the IFSP. Often times these agencies and private clinicians provide services in center based clinical settings.

The increase in the number of children whose primary setting is community-based (from 10% to 20%) is due to an error in data compilation. In the past, children having a home visit service outside of the home were included under the "Home Visit" category.

Of the 253 children included under "**Other Setting**" the following settings are listed as their primary setting:

- EI-only child group (all IFSP children) – 178 (70.4%) of children
- Center-individual services - 68 (26.9%) children
- Residential treatment center – 4 (1.6%) children
- Hospital – 3 (1.2%) children

Providing services within natural settings and daily routines continues to be a strength of the Massachusetts Early Intervention System. Early Intervention Programs have worked extremely hard to develop relationships in the community to identify naturally occurring groups for socialization and language development such as local libraries, boys and girls clubs, YMCAs, and early education child care settings in supporting a community based service model grounded in parent participation and education within family routines. These relationships and ongoing collaboration with community providers support the child and family in a mixed service delivery system which includes public pre-school, Early Head Start, center-based child care, and family child care settings.

The Universal IFSP Service Delivery plan requires that staff provide appropriate documentation of the natural environments (where and with whom) services will be provided. In addition, staff are required to document on the IFSP how collaboration with individuals in these settings occurs; provide individualized clinical justification for services that do not occur in a natural setting which must include an explanation of why the IFSP team determined that the child and family outcomes could not be in

the child's natural setting; and provide an explanation of how services provided in this setting will support the child's ability to function in his/her natural environment which must include a transition plan with timelines.

The Early Intervention Training Center (EITC) mission is to provide support and professional development opportunities to the Massachusetts Early Intervention Community. A majority of trainings focuses on the provision of services within natural settings and daily routines. Approximately 778 provider personnel were trained last year through the EITC by attending one of the following: the mandatory Building a Community Orientation, and Core Trainings which include Service Coordination, IFSP Development – Beyond the Nuts & Bolts, and Family Centered Services. All trainings emphasize the importance of developing functional outcomes that are addressed within natural settings and within the context of daily routines. One of the Core Values of the Massachusetts Early Intervention System is to develop relationships with families that respect the cultural, ethnic, geographic and socio-economic provision of services within the community and daily routines.

Part C Lead Agency staff continues to participate in the SpecialQuest Initiative to promote the inclusion of all children in community based settings. The SpecialQuest Team is currently developing an Action Plan to address ongoing sustainability and identifying the training needs and resources for the early childhood community.

Massachusetts Part C continues to collaborate with the Department of Early Education and Care to expand upon the existing services of the Regional Consultation Programs (RCP) to provide consultation and technical assistance regarding strategies for successful inclusion of young children birth to five. This is an extension of the present RCP model which provides consultative services, trainings and family support to children in Early Intervention with complex needs.

**Public Reporting** - Massachusetts publicly reported local program performance on Indicator # 2, percent of infants and toddlers with IFSPs who primarily received early intervention services in the home or programs for typically developing children, by comparing local Early Intervention Program Performance with the state average, state target, and other EI program performance.

#### **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010**

##### ***Improvement Activities – FFY 2010***

A new question regarding primary service setting has been added to the EIS IFSP Form which will be rolled out to providers in January 2011. The question reads, “ *Where will Each Service be Provided?*, and includes the following options: Home; Other Family Member's Home; Child Care Center; Family Day Care; Babysitter's Home and Other.

**Timeline:** Calendar Year 2011

**Resource:** Data Manager/Lead Agency Staff

Lead agency staff will continue participation in the SpecialQuest Birth -Five State Leadership Team ([www.specialquest.org](http://www.specialquest.org)) and in providing ongoing training to the early childhood community that supports the inclusion of infants, toddlers, preschoolers and young children with disabilities.

**Timeline:** Ongoing

**Resource:** EITC Dir/PLP Education Coord/Asst.  
Dir. Early Childhood Programs

Lead agency will continue to collaborate with the Department of Early Education and Care to support the inclusion of infants, toddlers, preschoolers and young children with disabilities through the RCP Model.

**Timeline:** Ongoing

**Resource:** Asst. Dir. Early Childhood Programs/  
RCP Directors

***New Improvement activities noted above are reflected in the Massachusetts Part C State Performance Plan that will be posted on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention)***

Massachusetts Part C also extended its targets and improvement activities for two additional years (FFY 2011 and FFY 2012). The revised targets and improvement activities are included in the SPP.

## Part C State Annual Performance Report (APR) for FFY 2009

### Overview of the Annual Performance Report Development:

The Massachusetts Early Intervention system continues to collect entry and exit data on every child through the Early Intervention Information System (EIS) which is a client based data system that captures registration, evaluation, IFSP and discharge data.

### Instruments and Procedures used to Gather Data for this Indicator

The State continues to utilize two evaluation/assessment tools to determine eligibility in the Massachusetts Early Intervention System, the Michigan Early Intervention Developmental Profile (EIDP) and the Battelle Developmental Inventory – 2<sup>nd</sup> edition (BDI-2). The majority of programs throughout the state continue to use the EIDP as the primary tool for determining eligibility.

As noted in the State Performance Plan for Indicator 3, the Lead Agency has been engaged in an ongoing dialogue and discussion with a group of Stakeholders to identify an approach for child outcome reporting for the Massachusetts EI system which will more accurately reflect the impact of early intervention services for children. After evaluating the data collected through the BDI-2 pilot process, reflecting on input from the Massachusetts Early Childhood Stakeholders and the Lead Agency administrative staff, the Lead Agency plans to move to full implementation of the BDI-2 as the universal tool for determining eligibility and measuring child outcomes effective January 1, 2012. Many local programs are planning to implement universal use of the BDI-2 prior to that date. Data collection for the federal child outcomes will continue to be obtained through the EIS system. There will be no additional requirements for programs in reporting the child outcomes data utilizing the BDI-2.

**See the State Performance Plan for more details regarding the criteria for defining “Comparable to Same –Aged Peers”.**

### Monitoring Priority: Early Intervention Services In Natural Environments

**Indicator 3:** Percent of infants and toddlers with IFSPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416(a)(3)(A) and 1442)

#### Measurement:

Outcomes:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication); and
- C. Use of appropriate behaviors to meet their needs.

**Progress categories for A, B and C:**

- a. Percent of infants and toddlers who did not improve functioning = [(# of infants and toddlers who did not improve functioning) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- c. Percent of infants and toddlers who improved functioning to a level nearer to same -aged peers but did not reach it = [(# of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers = [(# of infants and toddlers who improved functioning to reach a level comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers = [(# of infants and toddlers who maintained functioning at a level comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.

**Summary Statements for Each of the Three Outcomes (use for FFY 2009-2010 reporting):**

**Summary Statement 1:** Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.

**Measurement for Summary Statement 1:**

Percent = # of infants and toddlers reported in progress category (c) plus # of infants and toddlers reported in category (d) divided by [# of infants and toddlers reported in progress category (a) plus # of infants and toddlers reported in progress category (b) plus # of infants and toddlers reported in progress category (c) plus # of infants and toddlers reported in progress category (d)] times 100.

**Summary Statement 2:** The percent of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned 3 years of age or exited the program.

**Measurement for Summary Statement 2:** Percent = # of infants and toddlers reported in progress category (d) plus [# of infants and toddlers reported in progress category (e) divided by the total # of infants and toddlers reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

**Target Data and Actual Target Data for FFY 2009 (July 1, 2009 – June 30, 2010):**

Massachusetts utilized exit data on children who had 2 or more valid evaluations and whose length of enrollment in EI was 6 months or greater to report FFY 2009 Actual data. The number of all children (including at-risk) who had 2 or more valid evaluations for all 3 domains that could be used for the analysis is 10,667 6,849. The number of children (excluding at-risk) who had 2 or more valid evaluations for all 3 domains used for the analysis is 10,274 6,499.

FFY09	Measurable and Rigorous Target			
7/1/09-6/30/10		Outcome A	Outcome B	Outcome C
	Summary Statement 1	96.7%	93.8%	96.0%
	Summary Statement 2	97.9%	87.0%	92.9%

Targets and Actual Data for Part C Children Exiting in FFY 2009 (2009 -10)  
(Excluding Children "At Risk")

Summary Statements	Targets FFY 2009 (% of children)	Actual FFY 2009 (% of children)
<b>Outcome A: Positive social-emotional skills (including social relationships)</b>		
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	96.7%	63.9%
2. The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	97.9%	86.9%
<b>Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)</b>		
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	93.8%	53.3%
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	87%	59.9%
<b>Outcome C: Use of appropriate behaviors to meet their needs</b>		
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	96%	54.8%
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	92.9%	72.1%



Progress Data for Part C Children FFY 2009  
(Excluding Children "At Risk")

A. Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of children who did not improve functioning	1,006	9.8%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	17	0.2%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	318	3.1%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1,493	14.5%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	7,440	72.4%
<b>Total</b>	<b>N= 10,274</b>	<b>100%</b>
B. Acquisition and use of knowledge and skills (including early language/communication):	Number of children	% of children
a. Percent of children who did not improve functioning	2,769	27.0%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	38	0.4%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	1,309	12.7%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1,890	18.4%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	4,268	41.5%
<b>Total</b>	<b>N=10,274</b>	<b>100%</b>
C. Use of appropriate behaviors to meet their needs :	Number of children	% of children
a. Percent of children who did not improve functioning	2,111	20.5%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	8	0.1%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	744	7.2%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1,825	17.8%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	5,586	54.4%
<b>Total</b>	<b>N= 10,274</b>	<b>100%</b>

OPTIONAL: Progress Data for Part C Children FFY 2009  
(for children “at-risk”)

A. Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of children who did not improve functioning	4	1.0%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	0	0.0%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	1	0.3%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	63	16.0%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	325	82.7%
<b>Total</b>	<b>N= 393</b>	<b>100%</b>
B. Acquisition and use of knowledge and skills (including early language/communication):	Number of children	% of children
a. Percent of children who did not improve functioning	23	5.9%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	0	0.0%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	13	3.3%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	60	15.3%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	297	75.6%
<b>Total</b>	<b>N= 393</b>	<b>100%</b>
C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of children who did not improve functioning	28	7.1%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	0	0.0%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	12	3.1%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	74	18.8%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	279	71.0%
<b>Total</b>	<b>N= 393</b>	<b>100%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009 (July 1, 2009 – June 30, 2010):**

Performance based on both summary statements dropped slightly and Massachusetts did not meet its targets. This is not surprising given that the baseline data represents a high percentage of improvement and the current methodology utilized to measure child outcomes using domains -based evaluation, without access to item level data, while valuable in measuring quantitative progress in domain areas, may be less applicable in measuring qualitative functionality.

Massachusetts continues to focus its efforts on supporting local programs in the administration, scoring, interpretation and documentation of the current eligibility tools to ensure consistent, meaningful, and reliable data. In addition, the Lead Agency has provided considerable resources in the development of a training and professional development plan that focused on the use of the BDI-2 as a means to determine eligibility and report federal child outcomes. The BDI-2 is a standardized, norm referenced tool which allows for the comparison of an individual child's scores to a group of same age peers. This structure matches easily with the format of comparison to same age peers model utilized by progress categories and will support programs in improving their ability to identify and assess children appropriately and plan services accordingly in order to improve the children's outcomes.

In addition, a Lead Agency staff person consistently participates in the BDI-2 Community of Practice facilitated by the Early Childhood Outcomes (ECO) Center. This group, comprised of various states that utilize the BDI-2 for eligibility determination and/or child outcomes reporting, connects approximately every quarter to share information regarding state specific implementation, training, and data challenges and successes. The format of open discussion within a specific predetermined topic is helpful to all participants in sharing existing resources, brainstorming future directions, and focusing on continual improvement in data quality and uses of data to improve outcomes for children.

**Training and Professional Development**

The Department of Public Health is partnering with the Department of Early Education and Care to train LEA, EI and other early childhood staff on the administration, scoring and interpretation of the BDI-2. The goal of the collaboration is to provide both staff and families with consistent, meaningful and relevant data for the purpose of seamless transitions and to meet the federal reporting requirements for Child Outcomes.

**Training and Technical Assistance Plan**

The Department of Public Health with considerable input from the ECO Stakeholders has developed the following training and technical assistance plan:

1. BDI – 2; Training provided by Riverside Publishing – Ten trainings were held across the state in Autumn 2010 for approximately 300 early childhood staff. Individual staff received a packet of reference materials and each program represented received a free BDI-2 assessment kit. The training covered the following topics:
  - Introduction to the tool
  - Background and Development
  - Key Features of the BDI-2
  - BDI-2 Structure and Overview
  - Administration
  - Scoring Options
  - Interpretation
  - Use of the tool for Federal Child Outcomes
2. Training of Trainers Opportunity for programs that are currently using the BDI-2 or are moving forward with the implementation and have been administering the tool for at least three months. Each program will receive a training packet of materials to support implementation of the BDI-2. Three trainings will be offered in January, 2011 with another round tentatively planned for Spring 2011 and will include the following:

- Standardized training packet of materials for programs to replicate at program level
  - Brief introduction to the tool
  - Preparing families
  - Family/caregiver role in administration of the tool
  - Administration, interpretation and scoring
3. Assessment Core Training
- Revised curriculum to focus on the BDI-2
  - Sharing results/feedback with families with respect to Massachusetts Part C eligibility and individual child functioning and development
4. Program Mentorships
- The Early Intervention Training Center (EITC) will support program mentorships on the Battelle through June 30, 2011 with a focus on how the tool is a professional, family -friendly, and reliable source of data for eligibility determinations and child outcomes reporting. Mentorships include support for the implementation of the BDI-2 at the local level proactively addressing local system issues for improvements in quality data.

#### **Sharing Information with Staff and Families**

The ECO Stakeholders have developed a Fact Sheet for families, providers and referral sources that raises awareness of the importance of measuring child and family outcomes and integrates two pieces of important information: Family and Child Outcomes and IFSP Development. [See attachment ma-apr-2011c#2](#)

**Public Reporting/Local Determinations** – Massachusetts publically reported local program performance on Indicator # 3, Child Outcomes on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention) and data will continue to be reported on an annual basis. In addition, local program reports were distributed to each EIP highlighting program performance on the percent of infants and toddlers with IFSPs who demonstrate improved: positive social -emotional skills; acquisition and use of knowledge and skills; and use of appropriate behaviors to meet their needs. The Lead Agency has identified NERRC as a potential resource for technical assistance regarding the child outcomes reporting and possible format changes to maximize that the data is being presented in a meaningful and relevant manner.

**Focused Monitoring** – Focused Monitoring (FM) is one component of the Massachusetts Monitoring System. The DPH continues to use all available data sources to monitor compliance and track improvement, such as the Annual Report/Self Assessment, Data Verification, EIIS, Dispute Resolution and Local Determinations. At this time Massachusetts is not using Child Outcome data as a data source or priority area for onsite selection for Focused Monitoring. However, once full implementation on the use of the BDI-2 for child outcomes reporting is in place, the Lead agency may consider data on child outcomes as a potential priority area and have further discussions with the Focused Monitoring Stakeholders.

#### **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010**

Given that the baseline data represents a high percentage of improvement and the State is in the process of changing its current methodology utilized to measure child outcomes including new procedures for local programs the Lead Agency and Stakeholders feel that the FFY 2009 data is more accurate and better reflects the percentage of progress for children enrolled in the Massachusetts EI system. Massachusetts has proposed new baseline data (FFY 2010) and revised its targets and improvement strategies for this Indicator based on that revised baseline data.

The proposed baseline and targets are noted below and are reflected in the State Performance Plan:

	Outcome A	Outcome B	Outcome C
<b>Summary Statement 1</b>			
FFY 09 Baseline	96.7%	93.8%	96%
FFY 10 Target	96.7%	93.8%	96%
FFY 11 Target	96.8 %	93.9%	96.1%
FFY 12 Target	96.8%	93.9%	96.1%
<b>Summary Statement 2</b>			
FFY 09 Baseline	97.9%	87%	92.9%
FFY 10 Target	97.9%	87%	92.9%
FFY 11 Target	98%	87.1%	93%
FFY 12 Target	98%	87.1%	93%

The FFY 2009 to FFY 2012 state targets are based on outcome analysis that was reported last year. Massachusetts' outcome definition was revised for reporting FFY 2009 outcomes. As a result, Massachusetts' FFY 2009 state percentages do not correspond appropriately with its state targets for this year. However, the state targets will remain as is until the Department is able to receive input regarding these targets with the broader provider community. The Department will include a revision to its targets in next year's SPP submission.

**Improvement Activities FFY 2010 and ongoing:**

The Lead Agency will continue to provide ongoing professional development opportunities on the BDI-2 to ensure consistency regarding the administration, scoring, and interpretation of the tool to ensure valid and reliable data as the State moves forward with the implementation of a new measurement system in FY 13 for child outcome reporting.

Lead agency staff are in the process of developing a training curriculum that provides an overview of the federal child and family outcomes and will provide strategies and resources to staff for integrating these outcomes in the IFSP process. Participants of the training will be able to use the Federal Child Outcomes as a framework to gather information to link IFSP functional outcomes to family concerns, priorities and resources.

The Lead Agency in collaboration with the Early Childhood Stakeholders will continue to share information regarding federal child outcomes with families, and will develop additional informational materials as necessary.

The Building a Community EI staff orientation training will incorporate information about the federal child and family outcomes and provide strategies for sharing with families and how this information is used in ongoing IFSP development.

The Lead agency will continue to educate the public on the child outcome data and the State's measurement system for reporting child outcomes.

Data Manager and Lead agency staff will continue to analyze child outcome data and provide local program reports comparing local program performance with state average and targets.

The Lead Agency will continue to collaborate with the Department of Early Education and Care (EEC) to offer joint trainings on the BDI-2 and to provide a mechanism for capturing longitudinal outcomes data.

**Timeline:** Ongoing

**Resource:** Lead Agency Staff & EEC staff

***New Improvement activities noted above are reflected in the Massachusetts Part C State Performance Plan that will be posted on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention)***

Massachusetts Part C also extended its targets and improvement activities for two additional years (FFY 2011 and FFY 2012). The revised targets and improvement activities are included in the SPP.

## Part C State Annual Performance Report (APR) for FFY 2009

### Overview of the Annual Performance Report Development:

Massachusetts continues to utilize the NCSEAM Family Survey which includes two rating scales developed and validated by the National Center for Special Education Accountability Monitoring (NCSEAM).

As noted in the FFY 2008 APR, after considerable discussion with Stakeholders, the Lead Agency began a new method of dissemination for the NCSEAM Family Survey effective January 1, 2010. Surveys were distributed during the months of March 2010 and October 2010 to families whose children have been enrolled in programs for at least six months. Local EI programs provided information and support to families regarding the importance of the completion of the survey and encouraged them to complete and return the survey.

A total of approximately 11,057 surveys, printed in both English and Spanish, were distributed to families by 58 Early Intervention programs (EIPs) throughout Massachusetts in March 2009 and October 2010. Cover letters as well as postage-paid business reply envelopes were included with the surveys. Service Coordinators at the local EIP distributed the surveys individually to parents of children enrolled in EI at least six months.

See attachment [ma-apr-2011c#3](#), Analysis of Family Survey Data Addressing Part C SPP/APR Indicator #4 for Massachusetts Department of Public Health for a more detailed explanation of the survey results and for assurance that the response data are valid and reliable.

### Monitoring Priority: Early Intervention Services In Natural Environments

**Indicator 4:** Percent of families participating in Part C who report that early intervention services have helped the family:

- A. Know their rights;
- B. Effectively communicate their children's needs; and
- C. Help their children develop and learn.

(20 USC 1416(a)(3)(A) and 1442)

#### Measurement:

- A. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family know their rights) divided by the (# of respondent families participating in Part C)] times 100.
- B. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family effectively communicate their children's needs) divided by the (# of respondent families participating in Part C)] times 100.
- C. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family help their children develop and learn) divided by the (# of respondent families participating in Part C)] times 100.

**Target Data and Actual Target Data for FFY 2009:**

Target Data and Actual Target Data	FFY 2009 Target (7/1/09-6/30/10)	FFY 2009 Actual (7/1/09-6/30/10)	
<i>A. Know their rights</i>	72%	3,084 of 3,786	<b>81.5%</b>
<i>B. Effectively communicate their children's needs</i>	72%	2,965 of 3,786	<b>78.3%</b>
<i>C. Help their children develop and learn</i>	87%	3,333 of 3,786	<b>88.0%</b>

Describe your state data including:

In total 11,057 surveys were distributed and 3,819 surveys were returned by families receiving early intervention services, representing approximately 34.54% of the total number of surveys distributed. Of the 3,819 returned, 3,786 provided responses to the 23-item impact on Family Scale (IFS) which measures the extent to which early intervention helped families achieve positive outcomes, including the three outcomes specified in Indicator #4.

Data from the IFS scale was analyzed through the Rasch measurement framework. The analysis produces a measure for each survey respondent. Individual measures can range from 1 – 1,000. For the Impact on Family Scale, each family's measure reflects the extent to which the family perceives that early intervention has helped them achieve positive family outcomes. The IFSP measures of all of respondents yielded a mean measure reflecting the overall performance of the state in regard to the impact of early intervention on family outcomes.

## CHARACTERISTICS OF THE SAMPLE DATA

Distribution of Race/Ethnicity in the Sample

Table 1, below, displays the distribution of race/ethnicity in the survey sample.

**Table 1. Distribution of Race/Ethnicity in the Sample**

Race/Ethnicity	N	Percentage
<b>White</b>	<b>2,423</b>	<b>63%</b>
<b>Black or African – American</b>	<b>218</b>	<b>6%</b>
<b>Hispanic or Latino</b>	<b>570</b>	<b>15%</b>
<b>Asian or Pacific Islander</b>	<b>160</b>	<b>4%</b>
<b>American Indian or Alaska Native</b>	<b>4</b>	<b>&lt;1%</b>
<b>Multi-Racial</b>	<b>355</b>	<b>9%</b>
<b>Missing</b>	<b>89</b>	<b>2%</b>



Based on FFY 2009 statewide participant demographics for the Massachusetts EI system, the response rate by race/ethnicity directly correlates to the population served and therefore is representative of the population served.

**White – 63%**

**Hispanic – 17.9%**

**Black – 8.8%**

**Asian – 5.3%**

**American Indian - .2%**

**Other/Missing – 4.7%**

#### Distribution of Sample by Survey Language

Table 2, below, displays the distribution of the sample by survey language.

**Table 2. Distribution of Language in the Sample**

Language	N	Percentage
English	3,562	93%
Spanish	257	7%
Missing	0	0%

#### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

As noted in the Overview of the Annual Performance Report Document for Indicator # 4, the Lead Agency modified its dissemination plan to two months (March and October, 2010) in calendar year 2010. Local EI programs supported this initiative in helping families understand the importance of completing and returning a Survey. Based on the new dissemination methodology, 11,057 surveys were distributed and 3819 were returned, representing a 34.5 % return. This represents a significantly higher rate of return from FFY 2008 and depicts a much more accurate picture of responses as the Lead Agency can report the actual number of Surveys distributed to compare with the number returned.

The State met its FFY 2009 Targets and data represents progress from the FFY 2008 data. The percent of families participating in Part C who report that early intervention services have helped the family know their rights increased from 78.6% in FFY 2008 to **81.5%** in FFY 2009. This represents approximately a 3% increase. The percent of families reporting that early intervention has helped them to effectively communicate their children's needs increased from 75.1% in FFY 2008 to **78.3%** in FFY 2009. This also represents an approximate 3% increase. Families reporting that EI has helped their children develop and learn increased from 86.3% in FFY 2008 to 88.0% in FFY 2009, which represents modest progress of approximately 1.7%.

The progress highlighted in Indicator # 4 is directly related to the increased efforts at the local program level to share and disseminate information to families regarding their Family Rights, advocacy skills and strategies to help their children develop and grow.

In addition, the Massachusetts Parent Leadership Project (PLP) continues to promote lifetime advocacy, leadership skills and the development of an informed parent constituency which encourages a family centered approach to the provision of early intervention services. In FFY 2009, 6,689 parents received the *Parent Perspective* newsletter, a periodic publication developed by the Early Intervention Parent Leadership Project, with funding from the Massachusetts Department of Public Health. The *Parent Perspective* newsletter, a free newsletter written by parents, is for parents of children who are or have been in early intervention, early intervention providers and interested others. It provides information about the early intervention system and about opportunities for family involvement in the system. The PLP regularly solicits input from readers to ensure that newsletter content meets family identified needs. There is also a resource section and calendar of training opportunities, conferences and workshops. Information and FAQs about the NCSEAM Family Survey and the lead article written by a family member about how they have benefited from family engagement efforts are translated into Spanish for each edition.

188 parents participated in a variety of training/skill building activities including the Massachusetts Early Intervention Consortium Conference, Essential Allies, and Conference calls for Parent Contacts, Digital Story Telling and the EI Orientation Training, Building a Community.

Two Digital Stories were developed in collaboration with the Early Intervention Training Center (EITC) and the PLP. Digital Stories are multimedia life stories produced by families telling stories of their own lives. The stories represented powerful messages regarding two families experience and journey in EI.

The stories are currently being utilized in the EITC workshops to generate discussion with staff regarding the families experience in EI. One story focused on the role of the services coordinator and the other on supporting the family throughout the IFSP process. Additional stories will be developed in the upcoming year to share with families with the goal of impacting family outcomes.

The Lead Agency continues to work on the development of training modules for families; EI Overview; the IFSP Process; Family Rights/Due Process and Parent Leadership. The modules will provide an opportunity to share information about the EI system with families and support them in understanding their rights and ways to effectively communicate their child's needs.

The ECO Stakeholders have developed a Fact Sheet for families, providers and referral sources that raises awareness of the importance of measuring child and family outcomes and integrates two pieces of important information: Family and Child Outcomes and IFSP Development. The Fact Sheet has been translated into Spanish, Portuguese and Haitian Creole and will be disseminated to families on a consistent basis at the program level.

**Public Reporting/Local Determinations** – Massachusetts publically reported local program performance on Indicator # 4, Family Outcomes on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention) and data will continue to be reported on an annual basis. In addition, local program reports were distributed to each EIP highlighting program performance on the percent of families participating in Part C who report that early intervention services have helped the family a) know their rights, b) effectively communicate their children's needs; and c) help their children develop and learn.

**Focused Monitoring** – Focused Monitoring (FM) is one component of the Massachusetts Monitoring System. The DPH continues to use all available data sources to monitor compliance and track improvement, such as the Annual Report/Self Assessment, Data Verification, EIS, Dispute Resolution and Local Determinations. At this time Massachusetts is not using Family Outcome data as a data source or priority area for onsite selection for Focused Monitoring. However, the Lead agency may consider data on family outcomes as a potential priority area and have further discussions with the Focused Monitoring Stakeholders.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010**

With Stakeholder input, Massachusetts will revise its targets and improvement strategies for this Indicator based on the enhanced activities and training opportunities for families in the Massachusetts system.

The proposed baseline and targets are noted below and are reflected in the State Performance Plan:

	<b>FFY 2010</b>	<b>FFY 2011</b>	<b>FFY 2012</b>
<b>A. Know their rights</b>	75%	75%	75%
<b>B. Effectively communicate their children's needs (%)</b>	75%	75%	75%
<b>C. Help their children develop and learn</b>	88%	89%	89%

***Improvement Activities FFY 2010 and ongoing***

Training modules for families; EI Overview; the IFSP Process; Family Rights/Due Process and Parent Leadership will be finalized and made available to families and staff in a variety of modalities in calendar year 2011.

The Director of Family Initiatives will continue to collaborate with staff from the LEND program at UMass and the Maternal and Child Health Program at the Harvard School of Public Health to develop training modules for families. Potential training topics include the following Family Leadership, What Makes a Leader, Skills for Effective Leadership, Telling your Story, Family Leaders as Systems Change Agents, and Pulling it all Together (resume development, etc.)

Staff from the Office of Family Initiative will continue to provide training to Parent Contacts and Parent Liaisons at local EIPs to support families enrolled in EI in completing the NCSEAM Survey.

Lead Agency staff continue to monitor the rate of return of surveys at the local program level to provide additional support and technical assistance to those programs receiving less than 10% return rate.

Lead agency staff will highlight programs with high rate of return and share effective strategies and activities with the rest of the field.

Lead agency will continue ongoing dialogue regarding incentives to improve response rates.

Ongoing communication and information regarding the Family Survey will continue to be included in the PLP Parent Perspective Newsletter.

**Timeline:** Ongoing

**Resource:** Lead Agency Staff

***Proposed Targets and New Improvement activities noted above are reflected in the Massachusetts Part C State Performance Plan that will be posted on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention)***

Massachusetts Part C also extended its targets and improvement activities for two additional years (FFY 2011 and FFY 2012). The revised targets and improvement activities are included in the SPP.

## Part C State Annual Performance Report (APR) for FFY 2009

### Overview of the Annual Performance Report Development:

#### Background

Early Intervention (EI) services in Massachusetts have experienced significant growth for more than a decade. Prior to January 2009, Massachusetts children were eligible for EI services if they met one of the following criteria: 1) established condition – diagnosis of a disabling physical or mental condition referenced by one of 368 ICD-9 codes; 2) established delay – 25% delay in one of seven areas of development (gross motor, fine motor, cognitive, receptive language, expressive language, social/emotional, adaptive functioning); 3) at risk of delay – presence of 4 or more of 18 defined biological and environmental risk factors associated with delay; or 4) clinical judgment – determination of eligibility by a multidisciplinary team.

In recent years, growth in utilization of EI services in Massachusetts has outpaced available resources. As a result, in January 2009, EI eligibility criteria were changed so that a child must show a 30% level of delay in one or more areas of development, and the number of established conditions that qualify a child for EI services was reduced from 368 to 161. With additional cuts in state resources anticipated, the criteria for eligibility might be revisited once again. Potential system changes to address program growth will have a significant impact on staffing at the program level. The lack of specialty service personnel (professionals trained and/or credentialed in working with children with low incidence condition s) continues to be a challenge for the Massachusetts EI system.

#### Monitoring Priority: Effective General Supervision Part C / Child Find

**Indicator 5:** Percent of infants and toddlers birth to 1 with IFSPs compared to national data.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(# of infants and toddler birth to 1 with IFSPs) divided by the (population of infants and toddlers birth to 1)] times 100 compared to national data.

FFY	Measurable and Rigorous Target
<i>FFY 2009</i> <i>(July 1, 2009- June 30, 2010)</i>	<b>2.85%</b>

#### Actual Target Data for FFY 2008 (July 1, 2008 – June 30, 2010):

**Data Source:** Data collected on Table 1 of 618 data (Report of Children Receiving Early Intervention Services in Accordance with Part C), October 1, 2009 child count.

**Data Results:** There were 1,890 children birth to one year old receiving Early Intervention IFSP services out of the 77,177 birth to one year old population in Massachusetts. This is **2.45%** of all birth to one year olds in Massachusetts.

Last year's count (10/1/2008) of birth to one year olds showed 1,811 children (2.31% of all birth to one year olds in Massachusetts). This year's data show a slight increase in the overall number and percentage of birth to one year olds with an IFSP, however are below the FFY 2008 state target of 2.85%

Although the State did not meet its target as stated in the State Performance Plan, Massachusetts continues to serve one of the highest percentages of children birth to one year old, including infants and toddlers at risk, and continues to serve more than twice the national average of **1.03%**.

When compared to the National Data, Massachusetts ranks 2<sup>nd</sup> among all states and territories. Comparative Data between the National Baseline and Massachusetts for infants served under the age of one, including children at risk of delay:

<b>National Baseline (12/1/09)</b>	<b>Massachusetts (10/1/09)</b>
<b>1.03%</b>	<b>2.45%</b>

Although not required, Massachusetts is providing comparative Data for States with Broad Eligibility for infants served under the age of one, including children at risk of delay.

<b>State</b>	<b># of children served</b>	<b>% Served under 1 year of age</b>
New Mexico	789	2.60%
<b>Massachusetts</b>	<b>1,890</b>	<b>2.45%</b>
New Hampshire	212	1.49%
Hawaii	238	1.27%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

The State's FFY 2009 reported data for this indicator are **2.45%**. This represents a slight increase from the FFY 2008 data of 1,811 or 2.31%. The State maintained its eligibility criteria that went into effect January 1, 2009 where a child must exhibit a delay of 30% or 1.5 Standard Deviations in one or more development domain. Prior to January 1, 2009 a child with a 25% delay or 1 Standard Deviation was eligible for services.

Massachusetts ranks second among states with broad eligibility definitions, serving twice the national average. Child Find and Outreach activities to locate and identify all eligible infants and toddlers continues to occur at the local program level by the 58 certified early intervention programs throughout the state. Local programs are required to have a plan in place to address community outreach and collaboration with referral sources which include hospitals, pediatricians, child care, Head Start/Early Head Start programs, homeless shelters, child welfare agencies, parent support services organizations and maternal and child health services.

Massachusetts continues to see a significant increase in the number of Department of Children and Families (DCF) referrals and continues to work collaboratively with DCF to provide joint training and professional development opportunities on the impact of trauma on child development. A representative from DCF will present at the Interagency Coordinating Council on the Child Abuse Prevention and Treatment Act (CAPTA) and the EI referral policy. The CAPTA legislation requires states to establish provisions and procedures for referral of a child under the age of three who is involved in a substantiated case of child abuse or neglect to early intervention services funded under Part C of the Individuals with Disabilities Education Act. The goal of the EI Referral Policy is to clearly identify a referral process for children under 3 who are subjects of Supported Reports to the EI

system to determine eligibility; improve collaboration and case planning between DCF and EI for children under three being served by both systems; support Foster Parents who have placements involving children under three who may have or may be at risk of developmental delays; and increase understanding of child welfare and early intervention staffs with each others work; and increase understanding of the effects of child abuse/neglect on children and the importance of early intervention. The DCF regards referrals to early intervention programs as an opportunity to facilitate a connection for families to services they may need to assist their children in coping with developmental delays. DCF informs the family, in writing, that the referral is being made.

As part of ongoing strategic planning, the Program Planning committee of the Interagency Coordinating Council (ICC) has discussed the identification of a creative name for the Massachusetts EI system for universal recognition among families, referral sources, insurers, legislators, etc.

FY 11 proved to be an extremely challenging year for Massachusetts as it faced an 11 Million dollar shortfall based on the loss of ARRA funding, change in State appropriation, growth in Specialty Services, service system growth, changes in third party insurance, and decrease in federal funds.

The Lead Agency along with the provider community worked collaboratively to develop an EI Cost Sharing Plan to avoid devastating eligibility changes which included the passage of legislation for first dollar coverage, passage of the autism legislation and an increase in family fees. The increase in family fees went into effect on September 15, 2010 and the Lead Agency will monitor the impact of the fee increase on the number of families choosing not to receive EI services.

FY 12 will continue to be fiscally challenging for Massachusetts. The Lead Agency has already received approval for proposed eligibility change to a 40% level of delay in one developmental domain or at least a 50% level of delay in expressive language through an amendment to its 24<sup>th</sup> year Part C Grant. At this time the state has elected to maintain eligibility at the current level. However, two Public Hearings have been scheduled in January to once again discuss potential changes to eligibility and discuss the option of a Bifurcated Eligibility Model which would establish a Federal EI program supported by Part C funding that must follow all federal laws and regulations and a State EI program which would only be supported by state funding.

Implementation of any proposed changes to eligibility will most definitely have an impact on the number of infants and toddlers birth to one with IFSP in next years Annual Performance Report.

### **Public Reporting**

Massachusetts publically reported local program performance on Indicator # 5, the percent of infants and toddler's birth to one with IFSPs compared to the state target and posted the information on the state's website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention). In addition, each local program received an individual program report highlighting program performance compared to the state target.

### **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010.**

The Lead Agency will continue to engage in discussions with the Early Childhood Community and broad Stakeholders regarding the implications of ongoing growth of the system. Early Intervention providers who serve young children and families with young children will be given multiple opportunities to speak on proposed changes to the EI system.

***New Improvement activities noted above are reflected in the Massachusetts Part C State Performance Plan that will be posted on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention).***

Massachusetts Part C also extended its targets and improvement activities for two additional years (FFY 2011 and FFY 2012). The revised targets and improvement activities are included in the SPP.

## Part C State Annual Performance Report (APR) for FFY 2009

### Overview of the Annual Performance Report Development:

#### Monitoring Priority: Effective General Supervision Part C / Child Find

**Indicator 6:** Percent of infants and toddlers birth to 3 with IFSPs compared to national data.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(# of infants and toddler birth to 3 with IFSPs) divided by the (population of infants and toddlers birth to 3)] times 100 compared to national data.

FFY	Measurable and Rigorous Target
<i>FFY 2009</i> <i>(July 1, 2009 – June 30, 2010)</i>	<b>5.85%</b>

#### Actual Target Data for FFY 2009:

**Data Source:** Based on Table 1 of the 618 data, the October 1, 2009 child count data.

**Data Results:** There were **15,132 (6.51%)** of infants and toddlers under the age of three residing in Massachusetts receiving Early Intervention IFSP services, (out of the 232,364 birth to three population) which exceed the FFY 2009 target of 5.85%. Last year's child count (October 1, 2008) of birth to three year olds showed 14,902 (6.42%) of all birth to three year old in Massachusetts. Massachusetts served 230 more children during the reporting period, and continues to serve one of the highest percentages of children birth to three including infants and toddlers' at-risk receiving early intervention services.

When compared to National Data **(2.67%)** Massachusetts ranks number 1 among all states and territories. Comparative Data between the National Baseline and Massachusetts for infants and toddlers birth to three with IFSPs, including children at risk of delay:

National Baseline (12/1/08)	Massachusetts (10/1/08)
<b>2.67%</b>	<b>6.51%</b>

Although not required, Massachusetts is providing comparative Data for States with Broad Eligibility and a similar definition of developmental delay for infants and toddlers birth to three with IFSPs, including children at risk of delay:

State	# of children served	% Served under 3 year of age
Massachusetts	<b>15,132</b>	<b>6.51%</b>
New Mexico	4,669	5.08%
New Hampshire	1,744	4.04%
Hawaii	2,080	3.78%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

The State's FFY 2009 reported data for this Indicator are **6.51%**. Data were collected for this Indicator using 618 data of children receiving EI services in accordance with Part C – 10/1/2009. These data represent a slight increase from the FFY 2008 data of 6.42%. Massachusetts exceeded its FFY 2009 target of **5.85%** and is currently ranked number 1 among state's who serve at risk and have a similar definition of developmental delay.

As noted in Indicator # 5, Child Find activities are provided at the local program level. The impact of the Early Childhood and Behavioral Health Screening Initiatives, CAPTA and EI referral policy continues to have an impact on the growth of the system and the increase in the number of children and families receiving early intervention services.

In addition, the Massachusetts Act Early Team (CDC-linked project to improve the early screening and diagnosis of developmental disabilities, particularly Autism Spectrum Disorders) was awarded an Association for Maternal Child Health Program (AMCHP) grant to improve developmental screening and referral for ASD in primary care for children and families whose primary language is not English. This initiative will focus on working with three Community Health Centers in greater Boston to develop culturally competent screening protocols for families who speak Spanish, Haitian Creole, Vietnamese and Chinese that can be shared with other Community Health Centers and Primary Care Practices.

The Director of Specialty Services continues to provide support and guidance to Early Intervention Providers regarding the enrollment of children with ASD in Specialty Services and has provided training and support to EI program staff to provide appropriate, focused interventions to infants and young toddlers on the spectrum. A training model that supports development of functional concerns while helping parents and caregivers promote early social and communication skill development, sensory-motor exploration, and the development of reciprocal play is available through the Early Intervention Training Center.

All the initiatives noted above will continue to have an impact on continued growth of the Massachusetts system.

**Public Reporting**

Massachusetts publically reported local program performance on Indicator # 6, the percent of infants and toddler's birth to three with IFSPs compared to the state target and posted the information on the state's website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention). In addition, each local program received an individual program report highlighting program performance compared to the state target.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010.**

The Lead Agency will continue to engage in discussions with the Early Childhood Community and broad Stakeholders regarding the implications of ongoing growth of the system. Early Intervention providers who serve young children and families with young children will be given multiple opportunities to speak on proposed changes to the EI system.

***New Improvement activities noted above are reflected in the Massachusetts Part C State Performance Plan that will be posted on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention).***

Massachusetts Part C also extended its targets and improvement activities for two additional years (FFY 2011 and FFY 2012). The revised targets and improvement activities are included in the SPP.



## Part C State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

See Page 1

**Monitoring Priority: Effective General Supervision Part C / Child Find**

**Indicator 7:** Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.

(20 U.S.C. 1416(a) (3) (B) and 1442)

### Measurement:

Percent =  $\left[ \frac{\text{(\# of infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting was conducted within Part C's 45-day timeline)}}{\text{(\# of infants and toddlers with IFSPs evaluated and assessed for whom an initial IFSP meeting was required to be conducted)}} \right] \times 100$ .

Account for untimely evaluations, assessments, and initial IFSP meetings, including the reasons for delays.

FFY	Measurable and Rigorous Target
FFY 2009 (July 1, 2009 – June 30, 2010)	100%

### Actual Target Data for FFY 2009 (July 1, 2009 – June 30, 2010):

The Actual Target data was collected from the Early Intervention Information System (EIIS) Client Data System: Initial IFSP meetings were required to be conducted in FFY 2009 (July 1, 2009 – June 30, 2010) for 15,729 children and of those 15,562 or 98.9% were held within the Part C 45 day timeline. The data collected from the EIIS is representative of the entire reporting period.

### Infants Evaluated and Assessed and provided an Initial IFSP meeting Within Part C's 45-day timeline:

a. Number of infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting was conducted within Part C's 45-day timeline	15,562
b. Number of infants and toddlers with IFSPs evaluated and assessed for whom an initial IFSP meeting was required to be conducted	15,729
Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline (Percent = $\left[ \frac{\text{(a)}}{\text{(b)}} \right] \times 100$ )	98.9%

**Table 1: IFSP Timeliness Data**

<b>% of IFSP Meetings Occurred within 45 days</b>	<b>% of IFSP meetings not occurring within 45 days due to Exceptional Family Circumstances</b>	<b>% of Total IFSP meetings within 45 days + IFSP meetings not occurring with 45 days due to Exceptional Family Circumstances</b>	<b>IFSP meetings not Occurring within 45 days</b>
77.1% (12,128/15,729)	21.8% (3,434/15,729)	<b>98.9%</b> <b>(15,562/15,729)</b>	1.1% (167/15,729)

**Table 2A: Extraordinary Family Circumstances/Reasons for IFSP Meeting not within 45 days of Referral date (Compliant):**

<b>Extraordinary Family Circumstances</b>	<b># Children</b>	<b>% Children</b>
Difficulty contacting family/cancels/no shows/unresponsive	1,873	54.5%
Family requested delay <i>(includes family member sick, vacation, etc.)</i>	1,456	42.4%
Hospitalization of child	101	2.9%
Family was unsure of wanting services	4	0.1%
Total	3,434	100.0%

**Table 2B: Reasons for IFSP Meeting not within 45 days of Referral date include the following (Non-compliant):**

<b>Reasons for Delay</b>	<b># Children</b>	<b>% Children</b>
Data problems/missing reason, etc	85	50.9%
Program delay related to staffing issues/staff shortage/scheduling	82	49.1%
Total	167	100.0%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2009:**

### **Report of Progress – Indicator 7**

	<b>Measurable and Rigorous Target 2006-2007</b>	<b>Baseline 2004-2005</b>	<b>Actual Data 2005-2006</b>	<b>Actual Data 2006-2007</b>	<b>Actual Data 2007-2008</b>	<b>Actual Data 2008-2009</b>	<b>Actual Data 2009- 2010</b>
Indicator 7: Percent of infants and toddlers with IFSPs for whom IFSP meetings within 45-day timeline	<b>100%</b>	<b>93.2%</b>	<b>93.3%</b>	<b>94.9%</b>	<b>96.6%</b>	<b>97.9%</b>	<b>98.9%</b>

The State's FFY 2009 reported data for this Indicator are **98.9%**. These data represent progress from FFY 2008 reported data of 97.9% and FFY 2007 data of 96.6%. Although the state did not meet its

FFY 2009 target of 100%, Massachusetts continues to show progress toward its target of ensuring infants and toddlers with IFSPs receive an evaluation and assessment and initial IFSP meeting within the Part C 45 day timeline. Compliance is based on how many enrolled infants and toddlers with IFSP's were evaluated and assessed for whom an initial IFSP meeting was required to be conducted within 45 days of referral.

Early Intervention Programs (EIPs) continue to report the reason for delay of timely IFSP meetings in the Early Intervention Information System (EIS) if the first IFSP Meeting Date is beyond 45 days of the Referral Date. The EIS IFSP Form captures the 1<sup>st</sup> IFSP Meeting Date to be completed for initial IFSP's and the Reason late (if more than 45 days after the referral date). The drop down menu for the reason late category includes the following extraordinary family circumstances: Hospitalization of the Child; Family Requested a Delay in scheduling; Difficulties Contacting the Family and Other (may include delays due to severe weather conditions).

As noted in Table 2A; 55% or the majority of extraordinary family circumstances as reason documented for delay is "Difficulty contacting family, cancellations and no shows". "Family requested delay" which includes family member sick, vacation, etc. accounted for 42% of the reasons documented for delay, and 3% were attributed to the child being hospitalized.

The Part C Data Manager developed the IFSP Timelines Report for all local EIPs for the purpose of completing and clarifying the explanation of lateness entered in the EIS that are missing, unknown, unclear or have logic issues such as no referral date, etc. Lead Agency regional staff followed up with each EI program below 100% compliance on the IFSP Timeliness Report to identify the level of noncompliance and follow up on any specific incidences of noncompliance.

The FFY 2009 data illustrate that 22 out of 59 EIPs or 37% (there were 59 EIPs at the beginning of the fiscal year that reported data for this indicator) of Early Intervention Programs were 100% compliant with this Indicator. Massachusetts continues to be pleased with the progress local programs have made with this Indicator over the past few years and will continue to publically recognize and highlight those programs at 100% compliance for their efforts, and policies and procedures that have been implemented to sustain compliance. Of the remaining 37 Early Intervention Programs, 32 programs had a compliance rate between 95 - 99%, 2 programs were between 90-95%, and only 3 programs fell below 90% compliance. Findings based on FFY 2009 data were not made until FFY 2010 because the data were collected for the full reporting period.

The Lead agency regional staff followed up with each local EI program below 100% compliance with this Indicator to determine if the noncompliance was based on an individual instance or systemic or programmatic in nature and to assure correction of each individual instance of noncompliance had occurred. Programs below 100% compliance were required to review the specific instances of noncompliance, and Lead agency regional staff will verify correction of noncompliance by reviewing additional EIS data reports from the State's data system.

Local EI Programs are encouraged to review individual program reports in the local program profile that highlights program performance in the SPP/APR compliance Indicator # 7, IFSP Timeliness Report to be used as an internal resource/tool for local EIPs and Lead Agency staff. **See Attachment ma-apr-2011c#4: Local Program Profile Example: Bay Cove Early Intervention Program**

In addition, The Department of Public Health hosted a teleconference in November, 2010 for EI staff to review and discuss the following reports and issues:

- Data Reports and How to Use them
  - Public Report (see the Early Intervention web site found under [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention))
  - Program Summation Report
  - October 1st Child Count (for review and corrections)
  - Error Reports (paper reports sent to program directors monthly)
- Transition Databases
  - FY10 Results
  - FY11 Quarterly submissions

Local EI Programs can continue to monitor individual program compliance with the 45 day timeline through the monthly Error Reports and the individual Program Summation Report.

**Public Reporting/Local Determinations** – Massachusetts publically reported local program performance on Indicator # 7 on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention) and data will continue to be reported on an annual basis. In addition, local program reports were distributed to each EIP highlighting program performance on the percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and initial IFSP meeting was required to be conducted with the Part C 45 day timeline. Data gathered on this Indicator is used in making Local Determinations.

**Focused Monitoring** – Focused Monitoring (FM) is one component of the Massachusetts Monitoring System. The DPH continues to use all available data sources to monitor compliance and track improvement, such as the Annual Report/Self Assessment, Data Verification, Dispute Resolution and Local Determinations.

The FM process has continued to evolve in the Massachusetts EI system over the last several years. Given the high compliance rate with this Indicator the Lead Agency is no longer using IFSP Timeliness as a data source for onsite selection. The Lead Agency has moved away from identifying Priority Areas that are tied to program compliance and use the process and components of FM to gather information about program and commendable practices that will help guide the DPH in making policy decisions. Programs that are low performing or have identified noncompliance with regard to IFSP Timeliness through the EIIS will be issued a Corrective Action Plan and will be reported in the FFY 2010 APR.

#### **Noncompliance Identified in FFY 2009**

Three Findings of noncompliance were identified in FFY 2009 (July 1, 2009 – June 30, 2010) related to Indicator # 7. One Finding of noncompliance was identified through the Focused Monitoring process in September, 2009 and the program was notified in writing of the Finding of noncompliance in October, 2009. Two Findings were identified through the Annual Report/Self Assessment in May 2010, and both programs were notified of the Finding of noncompliance in June, 2010. Based on enhanced monitoring of data and the additional review and drill down of data at the local program level all other instances of noncompliance were corrected and verified as corrected consistent with OSEP Memo 09-02 through additional reports through the State's EIIS data system prior to issuing a formal notification of a Finding of noncompliance. Timely correction of noncompliance identified in FFY 2009 will be reported in the FFY 2010 APR.

#### **Correction of FFY 2008 Findings of Noncompliance (if State reported less than 100% compliance):**

Level of compliance (actual target data) State reported for FFY 2008 for this indicator: **97.9%**

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008, through June 30, 2009)	<b>1</b>
2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the EIS program of the finding)	<b>1</b>
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>0</b>

#### **Verification of Correction of FFY 2008 noncompliance or FFY 2008 findings:**

As specified in OSEP's June 1, 2010, FFY 2008 SPP/APR Response table, Massachusetts verified that the one EI program with noncompliance with this indicator is correctly implementing the 45-day timeline requirements and achieved 100% compliance in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a)

based on a review of subsequent data collected through the EIS State data system ; and has conducted the initial evaluation, assessment, and IFSP meeting, although late, for any child for whom the 45 -day timeline was not met. The State's EIS data system also verified that all non-compliant clients from the one EIP with a Finding subsequently had an IFSP meeting.

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:**

One finding of non-compliance was identified in FFY 2008 related to Indicator # 7. The noncompliance was identified in June 2009 through the FY08 EIS data and the program was notified of the noncompliance on June 29, 2009. A Corrective Action Plan was completed to address any noncompliance policies, procedures or practices as well as the root cause of the noncompliance and approved by the Lead Agency on August 29, 2009, and the plan was received on 8/10/2009. The State verification activities included an onsite file review on 10 records that was completed on 10/22/09 and indicated a 100% compliance rate on IFSP meetings within 45 days. In addition, the Lead agency reviewed FY09 EIS data on 1/1/2010 which also indicated 100% compliance to ensure ongoing compliance with this Indicator. The State also verified through the EIS system that an IFSP meeting did occur, although late for any child for whom the 45 day timeline was not met.

**Additional Information Required by the OSEP APR Response Table for this Indicator:**

Statement from the Response Table	State's Response
If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.	Massachusetts reviewed its improvement activities for this indicator and will continue to provide technical assistance and support to local EIPs unable to achieve 100% compliance with this Indicator.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):**

***Improvement Activities FFY 2010***

In addition to providing ongoing technical assistance and support, and staff training to programs regarding this Indicator, the Lead Agency will continue to share best practices for those programs maintaining 100% compliance with the Indicator. Regional lead agency staff will continue to share tracking systems with local programs to track compliance and ensure eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting are conducted within a 45 day timeline.

The Lead Agency will continue to provide training on federal requirements regarding the 45 day timeline to local programs through onsite training or through webinars and teleconferences.

***Timeline:*** Ongoing

***Resource:*** Lead Agency Staff & Data Manager

***New Improvement activities noted above are reflected in the Massachusetts Part C State Performance Plan that will be posted on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention).***

Massachusetts Part C also extended its targets and improvement activities for two additional years (FFY 2011 and FFY 2012). The revised targets and improvement activities are included in the SPP.

## Part C State Annual Performance Report (APR) for FY 2009

### Overview of the Annual Performance Report Development:

#### Monitoring Priority: Effective General Supervision Part C / Effective Transition

**Indicator 8A:** Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:

A IFSPs with transition steps and services

(20 U.S.C. 1416(a)(3)(B) and 1442)

#### Measurement:

Percent = [(# of children exiting Part C who have an IFSP with transition steps and services) divided by the (# of children exiting Part C)] times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2009</i> <i>(July 1, 2009 – June 30, 2010)</i>	<b>100%</b>

#### Actual Target Data for FFY 2009:

<b>98.7%</b> <b>(11,562/11,717)</b>
--

The target data for Indicator 8A were collected from the State database, the Early Intervention Information System (EIS) on all IFSP children two years of age or older exiting during fiscal year 2010 (*July 1, 2009 – June 30, 2010*) who had an IFSP with transition steps and services. The EIS Discharge form provides information on individual transition plans completed for each IFSP child. Compliance is based on the percent of clients with a fully developed transition plan. Situations in which the client did not have a complete transition plan with steps and services but had a justifiable reason are considered compliant (i.e. family chose not to complete the plan, or family discontinued services)

**Children Exiting Part C who Received Timely Transition Planning:**

1. Number of children exiting Part C who have an IFSP with transition steps and services	<b>11,562</b>
2. Number of children exiting Part C	<b>11,717</b>
Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday (Percent = [(a) divided by (b)] times 100)	<b>98.7%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2009:****Indicator # 8 – Early Childhood Transitions**

	Measurable and Rigorous Target 2006-2007	Baseline 2004-2005	Actual Data 2005-2006	Actual Data 2006-2007	Actual Data 2007-2008	Actual Data 2008-2009	Actual Data 2009- 2010
Indicator 8a: Percent of children exiting Part C with IFSPs with transition steps and services	<b>100%</b>	<b>72.3%</b>	<b>98.3%</b>	<b>96.6%</b>	<b>97%</b>	<b>98.7%</b>	<b>98.7%</b>

The State's FFY 2009 reported data for this Indicator are **98.7% (11,562/11,717)**. An additional 267 children were referred less than 45 days from their third birthday and were not included in the numerator or denominator for this Indicator. The State's data and performance regarding complete transition plans remained constant from FFY 2008 reported data of 98.7% and progress from the FFY 2007 data of 97%. Although the state did not meet its FFY 2009 target of 100%, Massachusetts continues to provide extensive technical assistance and guidance regarding Indicator # 8A, specifically related to the development of IFSPs with Transition Steps and Services.

The online Transition Training module, *Connecting the Dots*, provides a comprehensive overview of Federal and State Transition Requirements, recommended practices and State specific transition policies and procedures. Since the training was launched in November 2009, 277 staff have completed and passed the training.



The *Building a Community* two day orientation training for all new staff and the *IFSP Beyond the Nuts & Bolts* core trainings include specific curriculum regarding IFSP development and the required components of the Transition Plan.

The Early Intervention Training Center, which is the training arm of the Lead Agency, in collaboration with the Parent Leadership Project have been working on the development of an IFSP module which highlights the components of a complete of the IFSP Transition Plan. The training module is intended for families and staff to utilize as a resource to ensure smooth transitions for families. The Transition plan of the IFSP will include a review of options that each family may want to pursue for next step services; information and/or Educational opportunities and support networks available during the transition process; and a specific plan and activities for how each child will successfully transition to the next setting; and information to be sent to community providers with parental consent.

The Departments of Public Health and Early Education and Care sponsored ten Battelle Developmental Inventory – 2 (BDI-2) trainings throughout the state in October and November 2010. The purpose of the trainings was to provide an overview of the tool and how it can be used for determining eligibility for early intervention; for longitudinal measurement across a mixed service delivery system; and to ensure smooth transitions for children from Part C to B. Over 400 participants attended the Battelle Trainings, representing 55 Early Intervention Programs and over 40 school systems. Each Early Intervention Program and school system that registered for a training will receive a Battelle kit and training materials.

The Lead Agency in collaboration with the Department of Early Education and Care and the Department of Elementary and Secondary Education will host another professional development opportunity in FY 2011 to review the Federal Requirements on Transition from Part C to B; share best practices and strategies that support smooth transitions.

Massachusetts continues to partner with the Department of Early Education and Care to expand upon the existing services of the Regional Consultation Programs (RCP) to provide consultation and technical assistance regarding strategies for successful inclusion of young children birth to five. This is an extension of the present RCP model which provides consultative services, trainings and family support to children in Early Intervention with complex needs. The RCPs participate in numerous activities to support and promote smooth transitions such as attendance at community transition meetings, participation in “Communities of Practice” on Transition, participation in case conferences for children with complex medical needs.

**Public Reporting/Local Determinations** – Massachusetts publically reported local program performance on Indicator # 8a on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention) and data will continue to be reported on an annual basis. In addition, local program reports were distributed to each EIP highlighting program performance on the percent of all children exiting Part C who received IFSPs with transition steps and services. Data gathered on this Indicator is used in making Local Determinations.

**Focused Monitoring** – Focused Monitoring (FM) is one component of the Massachusetts Monitoring System. The DPH continues to use all available data sources to monitor compliance and track improvement, such as the Annual Report/Self Assessment, Data Verification, Dispute Resolution and Local Determinations.

Transition continues to be a key priority area for Focused Monitoring onsite visits. The Lead Agency is utilizing the FM process to gather information about program practices regarding the transition process and will share commendable practices related to complete transition plans with the EI community to improve compliance with complete and comprehensive transition plans.

### Noncompliance Identified in FFY 2009

One Finding of noncompliance was identified in FFY 2009 (July 1, 2009 – June 30, 2010) related to Indicator # 8A. The Finding of noncompliance was identified through the Focused Monitoring process in October, 2009 and the program was notified in writing of the Finding of noncompliance in November, 2009. Based on enhanced monitoring of data and the additional review and drill down of data at the local program level all other instances of noncompliance were corrected and verified as corrected consistent with OSEP Memo 09-02 through additional reports through the State's EIS data system, and follow up by Lead Agency staff through onsite record review prior to issuing a formal notification of a Finding of noncompliance. Timely correction of noncompliance identified in FFY 2009 will be reported in the FFY 2010 APR.

### Correction of FFY 2008 Findings of Noncompliance (if State reported less than 100% compliance):

Level of compliance (actual target data) State reported for FFY 2008 for this indicator: **98.7%**

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008, through June 30, 2009)	<b>0</b>
2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the EIS program of the finding)	<b>N/A</b>
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>0</b>

### Verification of Correction of FFY 2008 noncompliance or FFY 2008 findings (either timely or subsequent):

Massachusetts reported data for FFY 2008 was 98.7% on this indicator and made no formal Findings of noncompliance relative to Indicator 8A. Prior to issuing findings of noncompliance (within 90 days of the initial discovery of the noncompliance. The State ran a subsequent report from the EIS on complete Transition plans to determine ongoing compliance with this Indicator that showed 100% compliance. For those programs under 100% compliance, the Lead Agency Regional staff did individual program follow up to determine whether a finding of noncompliance was required because individual instances had not yet been corrected. Regional staff found that an IFSP with transition steps and services had been developed for all children that remained within the jurisdiction of the EIPs. In verifying whether the data demonstrate noncompliance the Lead Agency staff identified that the local EIPs had corrected the noncompliance before the Lead Agency issued a written finding of noncompliance. The Lead agency verified that the correction had occurred and that all EIPs had policies and procedures in place and were correctly implementing the IFSP transition content requirements (i.e., achieved 100% compliance) in 34 CFR §303.148(b)(4) and 303.344(h) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through the State data system ; and (2) had developed an IFSP with transition steps and services for each child, unless the child was no longer within the jurisdiction of the EI program.

### Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.	Massachusetts reviewed its improvement activities for this indicator and will continue to provide technical assistance and support to local EIPs unable to achieve 100% compliance with this Indicator.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:**

***Improvement Activities FFY 2010***

In addition to providing ongoing technical assistance and support, and staff training to programs regarding this Indicator, the Lead Agency will continue to share best practices for those programs achieving 100% compliance with Indicator 8a, IFSPs with transition steps and services. The Lead Agency will continue to monitor the results of the online transition training, *Connecting the Dots*, and provide program specific technical assistance as appropriate.

The Lead Agency will continue to provide training on federal requirements regarding the Federal and State Transition Requirements through webinars and teleconferences.

***Timeline:*** Ongoing

***Resource:*** Lead Agency Staff & Data Manager

***New Improvement activities noted above are reflected in the Massachusetts Part C State Performance Plan that will be posted on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention).***

Massachusetts Part C also extended its targets and improvement activities for two additional years (FFY 2011 and FFY 2012). The revised targets and improvement activities are included in the SPP.

## Part C State Annual Performance Report (APR) for FFY 2009

### Overview of the Annual Performance Report Development:

#### Monitoring Priority: Effective General Supervision Part C / Effective Transition

**Indicator 8B:** Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:

B. Notification to LEA, if child potentially eligible for Part B;

(20 U.S.C. 1416(a)(3)(B) and 1442)

#### Measurement:

Percent = [(# of children exiting Part C and potentially eligible for Part B where the notification to the LEA occurred) divided by the (# of children exiting Part C who were potentially eligible for Part B)] times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2009</i> <i>(July 1, 2009 – June 30, 2010)</i>	<b>100%</b>

#### Actual Target Data for FFY 2009:

<b>99.9%</b> <b>(2,690/2,694)</b>
--------------------------------------

The Target data for Indicator 8B were collected from the FY 2010 Annual Report/Self Assessment Transition Survey on **all** IFSP children referred to an LEA who were discharged between 1/1/2010 and 6/30/2010. These data are not available through the state's database. An additional 438 Families that opted out in accordance with Massachusetts's approved opt-out policy and 6 children who were referred less than 45 days from their third birth date were excluded from the numerator and the denominator of this calculation.

**Children Exiting Part C who Received Timely Transition Planning (Notification to LEA):**

1. Number of children exiting Part C and potentially eligible for Part B where the notification to the LEA occurred	2,690
2. Number of children exiting Part C who were potentially eligible for Part B	2,694
Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday (Notification to LEA) (Percent = [(a) divided by (b)] times 100)	99.9%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2009:****Indicator # 8 – Early Childhood Transitions**

	Measurable and Rigorous Target 2006-2007	Baseline 2004-2005	Actual Data 2005-2006	Actual Data 2006-2007	Actual Data 2007-2008	Actual Data 2008-2009	Actual Data 2009- 2010
Indicator 8b: Percent of children exiting Part C where Notification to LEA occurred, if child is potentially eligible for Part B	100%	61.5%	80.4%	94.7%	96.1%	99.2%	99.9%

The State's FFY 2009 reported data for this Indicator are **99.9% (2,690/2,694)**. These data represent progress from FFY 2008 reported data of 99.2% and FFY 2007 data of 96.1%. Although the state did not meet its FFY 2009 target of 100%, Massachusetts continues to provide extensive technical assistance and guidance regarding Indicator # 8B, specifically related to the requirements of the Notification to the LEA, if the child is potentially eligible for Part B.

EI programs provided information on discharged clients who were referred to special education under the Transition Survey of the Annual Report/Self Assessment. Compliance is based on the percent of children for whom the LEA was notified. Children for whom the LEA was not notified but where there was a justifiable reason are considered compliant (i.e. child was discharged). **See Attachment ma-apr-2011c#5 Annual Report/Self Assessment FFY 2010 -Transition Survey.**

As noted in last years APR, Massachusetts developed and submitted a Transition Policy that includes an "opt out" provision for families and is consistent with current practice, federal regulations and the Interagency Agreement. There were 438 families, representing 14%, who "opted out" of the LEA notification consistent with the State's Transition Policy. The family is informed of the eligibility requirements for Part B and the Lead Agency's definition of potentially eligible for Part B services. The IFSP team, inclusive of the family makes the decision as to "potentially eligible" and notification to LEA.

The Massachusetts Part C Transition Policy, Section IX of the Early Intervention Operational Standards, Transition Planning for Children Potentially Eligible for Part B Service at Age 3, defines “potentially eligible” as follows:

In Massachusetts, a child will be considered “potentially eligible” for Part B services if the child meets the criteria for one or more of the following disabilities or impairments:

(a) *Autism* - A developmental disability significantly affecting verbal and nonverbal communication and social interaction. The term shall have the meaning given it in federal law at 34 CFR §300.8(c)(1).

(b) *Developmental Delay* - The learning capacity of a young child (3-9 years old) is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: receptive and/or expressive language; cognitive abilities; physical functioning; social, emotional, or adaptive functioning; and/or self-help skills.

(c) *Sensory Impairment* - The term shall include the following:

*Hearing Impairment or Deaf* - The capacity to hear, with amplification, is limited, impaired, or absent and results in one or more of the following: reduced performance in hearing acuity tasks; difficulty with oral communication; and/or difficulty in understanding auditorally -presented information in the education environment. The term includes students who are deaf and students who are hard-of-hearing.

*Vision Impairment or Blind* - The capacity to see, after correction, is limited, impaired, or absent and results in one or more of the following: reduced performance in visual acuity tasks; difficulty with written communication; and/or difficulty with understanding information presented visually in the education environment. The term includes students who are blind and students with limited vision.

*Deafblind* - Concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs.

(d) *Neurological Impairment* - The capacity of the nervous system is limited or impaired with difficulties exhibited in one or more of the following areas: the use of memory, the control and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills, information processing, affect, social skills, or basic life functions. The term includes students who have received a traumatic brain injury.

(e) *Emotional Impairment* - As defined under federal law at 34 CFR §300.8(c)(4), the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the IEP Team determines that the student has a serious emotional disturbance.

(f) *Communication Impairment* - The capacity to use expressive and/or receptive language is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: speech, such as articulation and/or voice; conveying, understanding, or using

spoken, written, or symbolic language. The term may include a student with impaired articulation, stuttering, language impairment, or voice impairment if such impairment adversely affects the student's educational performance.

(g) *Physical Impairment* - The physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: physical and motor tasks; independent movement; performing basic life functions. The term shall include severe orthopedic impairments or impairments caused by congenital anomaly, cerebral palsy, amputations, and fractures, if such impairment adversely affects a student's educational performance.

(h) *Health Impairment* - A chronic or acute health problem such that the physiological capacity to function is significantly limited or impaired and results in one or more of the following: limited strength, vitality, or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. The term shall include health impairments due to asthma, attention deficit disorder or attention deficit with hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, if such health impairment adversely affects a student's educational performance.

The Lead Agency continues to work collaboratively with other early childhood programs and agencies in Massachusetts to finalize the state's Interagency Transition Agreement. The purpose of the agreement is to address the mandate to develop interagency agreements for coordination and collaboration among eligible families and Head Start, Early Head Start, Migrant and Seasonal Head Start, the Massachusetts Department of Early Education and Care, Massachusetts Department of Elementary and Secondary Education and the Massachusetts Department of Public Health. The document will strengthen local collaboration for developing regional and/or local agreements, and to strengthen relationships among agencies and programs serving young children, with and without disabilities, and their families.

The Interagency Transition Agreement is in the final stages of approval by the legal offices at each of the EOHHS agencies. The Department of Public Health through its ongoing involvement with the State SpecialQuest Leadership Team continues to advocate for final approval and endorsement by the Secretariat of the Executive Office of Health and Human Services.

The Departments of Public Health, Early Education and Care (EEC), and Elementary and Secondary Education (ESE) continue to work collaboratively to support local EIP and LEAs to establish relationships and develop local Memorandum of Understandings to support smooth transitions for families. In addition, the Lead Agency along with EEC and ESE will host another professional development opportunity in FY 2011 to review the Federal Requirements on Transition from Part C to B; share best practices and strategies that support smooth transitions.

**Public Reporting/Local Determinations** – Massachusetts publically reported local program performance on Indicator # 8B on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention) and data will continue to be reported on an annual basis. In addition, local program reports were distributed to each EIP highlighting program performance on the percent of all children exiting Part C for whom Notification to LEA occurred, if the child was potentially eligible for Part B. Data gathered on this Indicator is used in making Local Determinations.

**Focused Monitoring** – Focused Monitoring (FM) is one component of the Massachusetts Monitoring System. The DPH continues to use all available data sources to monitor compliance and track improvement, such as the Annual Report/Self Assessment, Data Verification, Dispute Resolution and Local Determinations.

Transition continues to be a key priority area for Focused Monitoring onsite visits. The Lead Agency is utilizing the FM process to gather information about program practices regarding the transition process and will share commendable practices related to LEA Notification with the EI community to improve compliance in this Indicator.

#### **Noncompliance Identified in FFY 2009**

One Finding of noncompliance was identified in FFY 2009 (July 1, 2009 – June 30, 2010) related to Indicator # 8B. The Finding of noncompliance was identified through the FY08 Annual Report/Self Assessment in August 2009. Written notification of the Finding based on the FY 2008 Annual Report was provided to the EIP in August 2009. Based on enhanced monitoring of data and the additional review and drill down of data at the local program level all other instances of noncompliance were verified as corrected consistent with OSEP Memo 09-02 through additional file review and request for additional data from local EIPs prior to issuing a formal notification of a Finding of noncompliance. Timely correction of noncompliance identified in FFY 2009 will be reported in the FFY 2010 APR.

#### **Correction of FFY 2008 Findings of Noncompliance (if State reported less than 100% compliance):**

Level of compliance (actual target data) State reported for FFY 2008 for this indicator: **99.4%**

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008, through June 30, 2009)	<b>0</b>
2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the EIS program of the finding)	<b>N/A</b>
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>0</b>

Massachusetts reported data for FFY 2008 of **99.4%** and made no formal Findings of noncompliance relative to Indicator 8B. Based on FFY 2008 data from the Annual Report/Self Assessment – Transition Survey there were four EIPs under 100% compliance. The Lead Agency Regional staff did individual program follow up to determine whether a finding of noncompliance was required. In verifying whether the data demonstrate noncompliance the Lead Agency staff identified that the local EIPs had corrected the noncompliance before the Lead Agency issued a written finding of noncompliance. The Lead agency verified that the correction had occurred and that all four EIPs had policies and procedures in place and are correctly implementing the LEA Notification requirements (i.e., achieved 100% compliance) in IDEA section 637(a)(9)(A)(ii)(I) and 34 CFR §303.148(b)(1) based on a review of updated data such as data subsequently collected through onsite file review and has provided notification to the LEA for each child, unless the child is no longer within the jurisdiction of the EIS program of 100%. Massachusetts is unable to verify correction for individual instances of noncompliance because all children for whom notification did not occur had left the jurisdiction of the EIPs (i.e. had reached the third birthday and exited the Part C program).

#### **Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):**

<b>Statement from the Response Table</b>	<b>State's Response</b>
In FFY 2008, Massachusetts did not provide valid and reliable data using the correct measurement for this indicator. In June 2010, Massachusetts submitted updated data for Indicator 8B utilizing the correct measurement for this Indicator.	Massachusetts revised its measurement for this Indicator and has submitted data on "all IFSP children discharged between 1/1/2010 and 6/30/2010" utilizing the correct measurement for this Indicator.



<p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>	<p>Massachusetts reviewed its improvement activities for this indicator and will continue to provide technical assistance and support to local EIPs unable to achieve 100% compliance with this Indicator.</p>
--	--

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:**

***Improvement Activities***

In addition to providing ongoing technical assistance and support, and staff training to programs regarding Indicator 8b, the Lead Agency will continue to share best practices for those programs achieving 100% compliance with Indicator 8b, Notification to LEA, if child is potentially eligible for Part B. The Lead Agency will continue to monitor the results of the online transition training, *Connecting the Dots*, and provide program specific technical assistance as appropriate.

The Lead Agency will continue to provide training on federal requirements regarding the Federal and State Transition Requirements through webinars and teleconferences .

***Timeline:*** *Ongoing*

***Resource:*** *Lead Agency Staff & Data Manager*

The Lead Agency will continue to provide technical assistance and support to programs in completing the Annual Report/Self Assessment – Transition Survey. Additional guidance related to whom to include in the Transition Survey will continue to be provided to local EIPs (i.e. programs do not need to include children referred into the program after 2.9).

***Timeline:*** *Ongoing*

***Resource:*** *Lead Agency Staff & Data Manager*

***New Improvement activities noted above are reflected in the Massachusetts Part C State Performance Plan that will be posted on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention)***

Massachusetts Part C also extended its targets and improvement activities for two additional years (FFY 2011 and FFY 2012). The revised targets and improvement activities are included in the SPP.

## Part C State Annual Performance Report (APR) for FFY 2009

### Overview of the Annual Performance Report Development:

#### Monitoring Priority: Effective General Supervision Part C / Effective Transition

**Indicator 8C:** Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:

C. Transition conference, if child potentially eligible for Part B.

(20 U.S.C. 1416(a)(3)(B) and 1442)

#### Measurement:

Percent = [(# of children exiting Part C and potentially eligible for Part B where the transition conference occurred) divided by the (# of children exiting Part C who were potentially eligible for Part B)] times 100.

Account for untimely transition conferences, including reasons for delays.

FFY	Measurable and Rigorous Target
<i>FFY 2009</i> <i>(July 1, 2009 – June 30, 2010)</i>	<i>100%</i>

#### Actual Target Data for FFY 2009:

<b>98.2%</b> <b>(2,659/2,708)</b>
--------------------------------------

The Target data for Indicator 8C were collected from the FY 2010 Annual Report/Self Assessment Transition Survey on **all** IFSP children referred to an LEA who were discharged between 1/1/2010 and 6/30/2010. These data are not available through the state database.

**Children Exiting Part C who Received Timely Transition Planning (Transition Conference):**

1. Number of children exiting Part C and potentially eligible for Part B where the transition conference occurred	<b>2,659</b>
2. Number of children exiting Part C who were potentially eligible for Part B	<b>2,708</b>
Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday (Transition Conference) (Percent = [(a) divided by (b)] times 100)	<b>98.2%</b>

**Table 1: Children Exiting Part C who Received Timely Transition Planning (Transition Conference)**

<b>Children Receiving Timely Transition Planning (Transition Conference)</b>	<b>Children with Delays due to Exceptional Family Circumstances</b>	<b>Total Children with Timely Transition Planning (Transition Conference) + Children with Delays due to Exceptional Family Circumstances</b>	<b>Children not Receiving Timely Transition Planning (Transition Conference)</b>	<b>Children not Receiving a Transition Planning Conference</b>
81.3% (2,202/2,708)	16.9% (457/2,708)	<b>98.2%</b> <b>( 2,659/2,708)</b>	1.6% (43/2,708)	0.2% (6/2,708)

In accounting for the number of children for whom timely transition conferences were not conducted, 6 did not receive a Transition Planning Conference at all. Massachusetts identified 500 children for whom transition conferences were not timely. Of those 500 children, 457 received a Transition Planning Conference outside of the timeframe based on extraordinary family circumstance (child or family member hospitalized; Family cancelled, declined, moved or no showed the TPC) and were considered compliant; and 43 received a Transition Planning conference outside the timeline based on EI staff schedule/lack of staff or program error and were considered noncompliant as noted in the table below:

**Table 2A: Extraordinary Family Circumstances/Reasons for Delay in Receiving Transition Conference (Compliant):**

<b>Extraordinary Family Circumstances</b>	<b># Children</b>	<b>% Children</b>
Family cancelled, postponed, declined, moved or no showed	416	91.0%
Family initially declined or were unsure of LEA referral	14	3.1%
Child or family member hospitalized	12	2.6%
Program unable to locate the family	11	2.4%
Extreme weather conditions	4	0.9%
<b>Total</b>	<b>457</b>	<b>100.0%</b>

**Table 2B: Reasons for Delay in Receiving Transition Conference (Non-compliant):**

<b>Reasons for Delay</b>	<b># Children</b>	<b>% Children</b>
Staff scheduling/Lack of staff	43	100%
<b>Total</b>	<b>43</b>	<b>100.0%</b>

The following table identifies the number of children where the Transition Conference Meeting was delayed due to extraordinary family circumstances.

**Table 3: Children by Number of Weeks the Transition Planning Conference was Delayed (Compliant):**

<b>Number of Services Delayed</b>	<b># Children</b>	<b>% Children</b>
Within 1 week of compliance timeframe	96	21.0%
Within 2 to 3 weeks of compliance timeframe	121	26.5%
Within 4 to 6 weeks of compliance timeframe	133	29.1%
Greater than 6 weeks outside of compliance timeframe	107	23.4%
<b>Total</b>	<b>457</b>	<b>100.0%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2009:**

**Indicator # 8 – Early Childhood Transitions**

	Measurable and Rigorous Target 2006-2007	Baseline 2004- 2005	Actual Data 2005-2006	Actual Data 2006-2007	Actual Data 2007-2008	Actual Data 2008-2009	Actual Data 2009- 2010
Indicator 8c: Percent of children exiting Part C who receive a Transition Planning Conference	100%	85.2%	97.7%	98.4%	99.2%	93.7%	98.2%

The State's FFY 2009 reported data for this Indicator are **98.2% (2,659/2,708)**. These data represent progress from FFY 2008 reported data of 93.7%. Although the state did not meet its FFY 2009 target of 100%, Massachusetts continues to provide extensive technical assistance and guidance regarding Indicator # 8C, specifically related to the requirements of the Transition Planning Conference, if the child is potentially eligible for Part B and guidance to local Early Intervention Programs regarding documenting "exceptional family circumstances".

EI programs provided information on discharged clients who were referred to special education under the Transition Survey of the Annual Report/Self Assessment. Compliance is based on the percent of children exiting Part C who received a Transition Planning Conference, if the child is potentially eligible for Part B. Children for whom a Transition Planning Conference did not occur but had an acceptable reason based on family circumstances were considered compliant. **See Attachment ma-apr-2011c#5 Annual Report/Self Assessment FFY 2010 -Transition Survey.**

The Lead Agency continues to provide guidance to local Early Intervention Programs to invite the LEA to the Transition Planning Conference and to schedule and hold the meeting within the 90 day timeframe. The Lead Agency along with the Departments of Early Education and Care and Elementary and Secondary Education will continue to collaborate to develop professional development opportunities on transition to ensure that both Part B & C staff are in compliance with the federal transition requirements.

**Public Reporting/Local Determinations** – Massachusetts publically reported local program performance on Indicator # 8C on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention) and data will continue to be reported on an annual basis. In addition, local program reports were distributed to each EIP highlighting program performance on the percent of all children exiting Part C for which a Transition Planning Conference occurred prior to the third birthday, if the child was potentially eligible for Part B. Data gathered on this Indicator is used in making Local Determinations.

**Focused Monitoring** – Focused Monitoring (FM) is one component of the Massachusetts Monitoring System. The DPH continues to use all available data sources to monitor compliance and track improvement, such as the Annual Report/Self Assessment, Data Verification, Dispute Resolution and Local Determinations.

Transition continues to be a key priority area for Focused Monitoring onsite visits. The Lead Agency is utilizing the FM process to gather information about program practices regarding the transition process

and will share commendable practices related to timely transition planning conferences to the EI community to improve compliance in this Indicator.

### Noncompliance Identified in FFY 2009

Four Findings of noncompliance were identified in FFY 2009 (July 1, 2009 – June 30, 2010) related to Indicator # 8C. Three Findings of noncompliance were identified through the FY08 Annual Report/Self Assessment in August 2009. Written notification of the Findings based on the FY 2008 Annual Report was provided to the EIPs in August and September 2009. One Finding on noncompliance was identified through the Focused Monitoring Process in October 2009, and the program received written notification of the Finding in November 2009. Based on enhanced monitoring of data and the additional review and drill down of data at the local program level all other instances of noncompliance were corrected and verified through file review and request for additional data from local EIPs prior to issuing a formal notification of a Finding of noncompliance. Timely correction of noncompliance identified in FFY 2009 will be reported in the FFY 2010 APR.

**Correction of FFY 2008 findings of noncompliance (if state reported less than 100% compliance):**  
*Level of compliance (actual target data) State reported for FFY 2008 for this indicator: 93.7%*

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008, through June 30, 2009)	0
2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the EIS program of the finding)	N/A
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Massachusetts reported data for FFY 2008 of 93.7 % and made no formal Findings of noncompliance with Indicator 8C. Based on FFY 2008 data from the Annual Report/Self Assessment – Transition Survey there were five EIPs under 100% compliance. The Lead Agency Regional staff did individual program follow up to determine whether a finding of noncompliance was required. In verifying whether the data demonstrate noncompliance the Lead Agency staff identified that the local EIPs had corrected the noncompliance before the Lead Agency issued a written finding of noncompliance (within 90 days of the initial discovery of noncompliant data). The Lead agency verified that the correction had occurred and that all five EIPs had policies and procedures in place and were correctly implementing the timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)) (i.e., achieved 100% compliance) based on a review of updated data subsequently collected through on-site monitoring; and (2) had conducted a transition conference, although late, for any child potentially eligible for Part B whose transition conference was not timely, unless the child was no longer within the jurisdiction of the EI program, consistent with OSEP Memo 09-02. This was verified through on-site file review.

**Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):**

Statement from the Response Table	State's Response
If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.	Massachusetts reviewed its improvement activities for this indicator and will continue to provide technical assistance and support to local EIPs unable to achieve 100% compliance with this Indicator.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:**

In addition to providing ongoing technical assistance and support, and staff training to programs regarding this Indicator the Lead Agency will continue to share best practices for those programs achieving 100% compliance with Indicator 8c, Transition Planning Conferences, if child is potentially eligible for Part B. The Lead Agency will continue to monitor the results of the online transition training, *Connecting the Dots*, and provide program specific technical assistance as appropriate.

The Lead Agency will continue to provide training on federal requirements regarding the Federal and State Transition Requirements through webinars and teleconferences.

**Timeline:** *Ongoing*

**Resource:** *Lead Agency Staff & Data Manager*

The Lead Agency will provide technical assistance and support to programs in completing the Annual Report/Self Assessment – Transition Survey. Additional guidance related to who to include in the Transition Survey will continue to be provided to local EIPs (i.e. programs do not need to include children referred into the program after 2.9).

**Timeline:** *Ongoing*

**Resource:** *Lead Agency Staff & Data Manager*

***New Improvement activities noted above are reflected in the Massachusetts Part C State Performance Plan that will be posted on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention)***

Massachusetts Part C also extended its targets and improvement activities for two additional years (FFY 2011 and FFY 2012). The revised targets and improvement activities are included in the SPP.

## Part C State Annual Performance Report (APR) for FFY 2009

### Overview of the Annual Performance Report Development:

The Lead Agency has a General Supervision system in place to ensure compliance with federal requirements through statewide training; technical assistance and monitoring of Massachusetts' 58 community based Early Intervention Programs to address issues of noncompliance and the timely correction of noncompliance. Regional Lead Agency staff are available to provide extensive technical assistance and support to local EIPs to assist in obtaining and maintaining compliance. Regional staff establish benchmarks and timelines for programs to come into compliance.

Areas of noncompliance identified through the Massachusetts Annual Report/Self Assessment, Onsite Focused Monitoring, Early Intervention Information System (EIIS) and Dispute Resolution system will be corrected as soon as possible but in any case no later than one year from identification.

### Monitoring Priority: Effective General Supervision Part C / General Supervision

**Indicator 9:** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B) and 1442)

#### Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

**States are required to use the "Indicator C 9 Worksheet" to report data for this indicator (see Attachment A).**

FFY	Measurable and Rigorous Target
<i>FFY 2009</i> <i>(July 1, 2009 – June 30, 2010)</i>	<b>100%</b>

### Actual Target Data for FFY 2009:

<b>100%</b>
-------------



The target data were obtained from the components of the Massachusetts General Supervision system which include the Annual Report/Self Assessment, onsite Focused Monitoring process, EIIS eligibility verification visits, and the Dispute Resolution system. As reported in FFY 2008 there were a total of 10 Findings of noncompliance related to specific compliance Indicators and all were corrected within one year of the written notification of the noncompliance as noted in **Attachment ma-apr-2011c#6: Massachusetts Indicator C-9 Worksheet**. Two of the ten Findings of noncompliance fell under related requirements for Indicator 1 regarding written parental consent prior to the provision of early intervention services described on the IFSP services and providing written prior notice for IFSP meetings.

The Massachusetts Indicator C-9 worksheet presents disaggregated data by APR Indicator on the status of timely correction of noncompliance Findings identified by the Lead Agency during FFY 2008.

#### **Describe the process for selecting EI programs for Monitoring:**

All 58 Early Intervention Programs are required to complete the Annual Report/Self -Assessment which is an Access database utilized to provide data for the Massachusetts' State Performance Plan and Annual Performance Report (SPP/APR). This information captures the timeliness of services based on the states' definition of 30 days from IFSP signature date.

The Transition Survey System is an Access database that is utilized for the collection of Transition Survey data for LEA-referred children to provide data for Indicator 8, Early Childhood Transitions for the SPP/APR.

#### **Focused Monitoring – FY 2011**

The DPH held a Focused Monitoring (FM) Feedback Session at the May 20, 2010 ICC Meeting. The session offered an opportunity for stakeholders to share perspectives and provide input to the Department on how to improve the Focused Monitoring Process for FY 2011.

The FM process allows the DPH to utilize resources more efficiently and effectively by identifying Priority Areas and examining information to drill down and provide strategies and technical assistance to support the program to improve performance. The FM process has continued to evolve in the Massachusetts EI system over the last several years. The Lead Agency has moved away from identifying Priority Areas that are tied only to program compliance and use the process and components of FM to gather information about program and commendable practices that will help guide the Lead Agency in making policy decisions.

The FY 2011 onsite selection is based on the following Priority Areas and Data Sources:

1. **Data/EIIS Issues** - Data Source – EIIS Error Report
  - Program with the highest percentage of ineligible, missing or undetermined eligibility from the EIIS Error Report
  - Program with the lowest percentage of errors.
2. **Clinical Judgment**: Data Source – EIIS Report on enrolled IFSP children eligible based on Clinical Judgment.
  - Program with the highest number/percentage of children enrolled based on clinical judgment
  - Program with the lowest number/percentage of children enrolled based on clinical judgment.

3. **Transition Practices:** Data Source – EIS Report on children receiving services after ineligibility determination.
- Program with the highest number of children receiving services after 21 days from ineligibility determination;
  - Program with the highest number of children receiving services over 45 days from ineligibility determination
  - Program with the highest number of children receiving services less than 21 days from ineligibility determination.
4. **Comparison of units of service/number of clients:** Data Source – Service Delivery data.
- Program with decrease in clients FY09 – FY10 and increase in service units
  - Program with increase in clients FY09 – FY10 and decrease in service units
  - Program with increase in clients FY09 – FY10 and increase in service units

The Lead Agency will perform 10 onsite visits in FY 2011. Programs were notified in June, 2010 and onsite visits commenced in August, 2010. The onsite protocols and length of the visit will be individualized for each program based on the priority area. Discussions and interviews with Program Administrative staff prior to the onsite will help shape the onsite activities. The Focused Monitoring team consisting of DPH Regional Specialists, the Focused Monitoring Parent Coordinator and Parent Team member will work closely with the program director to discuss the reason for selection, gather information, and identify other data sources that may be helpful in formulating a hypothesis regarding the reason for the trends in the data.

All of the data sources noted above are used to identify noncompliance, monitor compliance and track improvement as part of the Massachusetts General Supervision System.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:**

The State's FFY 2009 reported data for this indicator is **100%**. This data represents progress from the FFY 2008 data of 97.2%. The state met its FFY 2009 target of 100%. The data was obtained from the Massachusetts General Supervision system including the Annual Report/Self Assessment, EIS and the onsite Focused Monitoring process. There were no Findings of noncompliance identified in FFY2008 through the Dispute Resolution system.

Massachusetts continues to solicit broad input on its General Supervision system through the Focused Monitoring Stakeholders and Interagency Coordinating Council (ICC). Numerous presentations were made throughout the year to update constituents on the federal reporting requirements specific to timely correction of noncompliance.

As noted above the Focused Monitoring Stakeholders continue to provide valuable input to the State in identifying Priority Areas and for onsite selection. The completion of the Corrective Action Plan (CAP) Tracking System and the identification of one lead agency staff member to maintain the database have assisted the Lead Agency to maintain and monitor timely correction of noncompliance.

**Public Reporting/Local Determinations** – Massachusetts publically reported local program performance on Indicator # 9 on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention) and data will continue to be reported on an annual basis. In addition, data gathered on this Indicator is used in making Local Determinations.

**Focused Monitoring** – Focused Monitoring (FM) is one component of the Massachusetts Monitoring System. The DPH continues to use all available data sources to monitor compliance and track improvement, such as the Annual Report/Self Assessment, Data Verification, Dispute Resolution and Local Determinations.

**Note:** For this indicator, report data on the correction of findings of noncompliance the State made during FFY 2008 (July 1, 2008 through June 30, 2009) and verified as corrected as soon as possible and in no case later than one year from identification.

**Timely Correction of FFY 2008 Findings of Noncompliance (corrected within one year from identification of the noncompliance):**

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008, through June 30, 2009) (Sum of Column a on the Indicator C 9 Worksheet)	10
2. Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the EIS programs of the finding) (Sum of Column b on the Indicator C 9 Worksheet)	10
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

**Verification of Correction of FFY 2008 findings (either timely or subsequent)**

Massachusetts verified that EI programs with noncompliance (for each of the ten findings) identified in FFY 2008

(1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or the State data system; and (2) had corrected each individual case of noncompliance, unless the child was no longer within the jurisdiction of the EI program, consistent with OSEP Memo 09-02.

Through the ongoing follow up with EI programs, each program reports on the correction of each instance of noncompliance including reporting that all children received required evaluations, IFSPs and services although late for time sensitive requirements. Onsite file review data verification as well as EIS data reports and monthly program reports are used to verify, through documentation of subsequent data that demonstrate compliance, that each program is correctly implementing the specific regulatory requirements following the implementation of corrective action and/or improvement plans. In addition, the State's Service Delivery Report verified that all non-compliant clients from the EIPs with a Finding subsequently received services.

**Describe the specific actions that the State took to verify the correction in FFY 2009 of findings of noncompliance identified in FFY 2008:**

The Corrective Action Plan (CAP) Tracking System has enabled the Lead Agency to more accurately and effectively manage the identification of noncompliance. The Tracking System is maintained by the Lead Agency regional staff and documents the data source of the Finding; Related SPP/APR Indicators; Fiscal Year; Notification of Findings; Verification Follow-Up Activities, and status of CAPs, etc. See [Attachment ma-apr-2011c#7](#)

In addition to requiring reports demonstrating correction (including updated data and correction of individual instances of noncompliance), EIPs that are issued findings are required to develop and implement a CAP that addresses any noncompliance policies, procedures or practices as well as the root causes of the noncompliance. The Lead Agency follows up to ensure that the activities outlined in the CAP do address the root causes and resolve the noncompliance.

**Indicator #1 – Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.**

As noted in the Massachusetts Indicator C-9 Worksheet, there were 7 Findings of noncompliance related to Indicator #1. All seven of the Findings were identified through the Annual Report/Self-Assessment and

programs were notified in May and June, 2009 of the noncompliance. Corrective Action Plans were developed with all seven programs.

Review of subsequent data from the FY09 Annual Report Timeliness of Services Survey/Report; subsequent onsite file review of random charts of children referred after 7/1/2009; and service delivery data (to ensure although late services were received) were utilized to document 100% compliance with the timely provision of services at the child specific level as well as systemically through change in policies and procedures put in place at the local program level. One EIP required several onsite verification visits in October 2009, January, 2010 and March 2010 to come into full compliance.

**Related Requirements:** Two other Findings of noncompliance considered under Related Requirements for Indicator #1 (Consent for IFSP Services and Prior Written Notice of upcoming IFSP Meeting) were identified through the Focused Monitoring Process. Corrective Action Plans were requested to be completed on both Findings, and all plans were received in a timely manner and approved by the Lead Agency.

One Finding of noncompliance under Related Requirements with regard to *obtaining consent for IFSP services*, was identified through the FM process in January 2009. The program was notified of the noncompliance in February 2009, and the Corrective Action Plan was received by the Lead Agency in April 2009. The following activities were performed to verify initial and ongoing compliance with regard to obtaining consent for IFSP services:

6/29/2009 – onsite file review (10 records) – 100%

10/22/2009 – onsite file review (10 records) – 100%

In addition to verification activities the EIP provided training for staff on requirements for obtaining consent for IFSP services and developed policies and procedures to ensure ongoing compliance.

The other Finding of noncompliance under Related Requirements with regard to providing *prior written notice for IFSP meetings* was also identified through FM in January 2009. The program was notified of the noncompliance in February 2009, and the Corrective Action Plan was received by the Lead Agency in April 2009. Onsite file review on 10 files in June 2009 verified compliance with regard to ensuring families are provided with written prior notice prior to IFSP meetings and determinations of eligibility. In addition the program implemented policies and procedures to ensure that prior written notice was consistently being provided.

**Indicator #7 – Percent of eligible infants and toddlers with IFSPs for whom and evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45 day timeline.**

One finding of non-compliance was identified in FFY 2008 related to Indicator # 7. The noncompliance was identified in June 2009 through the FY08 EIIS data and the program was notified of the noncompliance on June 29, 2009. A Corrective Action Plan was requested to be completed and approved by the Lead Agency on August 29, 2009, and the plan was received on 8/10/2009. The State verification activities included an onsite file review on 10 records that was completed on 10/22/09 and indicated a 100% compliance rate on IFSP meetings within 45 days. In addition, the Lead agency reviewed FY09 EIIS data on 1/1/2010 which also indicated 100% compliance to ensure ongoing compliance with this Indicator. The State also verified through the EIIS system that an IFSP meeting did occur, although late for any child for whom the 45 day timeline was not met.

**Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):**

<b>Statement from the Response Table</b>	<b>State's Response</b>
If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.	Massachusetts reviewed its improvement activities for this indicator and will continue to provide technical assistance and support to local EIPs unable to achieve 100% compliance with this Indicator.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:**

***Improvement Activities FFY 2010***

The Lead Agency will continue to convene the Focused Monitoring Stakeholders as appropriate to discuss the current process and gather input on Priority Areas, data sources, and criteria for onsite selection.

**Timeline:** Ongoing

**Resource:** Assistant Director of Early Childhood Programs, Focused Monitoring Parent Team Coordinator, Regional Lead Agency Staff

***New and Ongoing Improvement Activities noted above are reflected in the Massachusetts Part C State Performance Plan that will be posted on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention).***

Massachusetts Part C also extended its targets and improvement activities for two additional years (FFY 2011 and FFY 2012). The revised targets and improvement activities are included in the SPP.

## Part C State Annual Performance Report (APR) for FFY 2009

### Overview of the Annual Performance Report Development:

#### Monitoring Priority: Effective General Supervision Part C / General Supervision

**Indicator 10:** Percent of signed written complaints with reports issued that were resolved within 60 -day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2009</i> <i>(July 1, 2009 – June 30, 2010)</i>	<i>100%</i>

#### Actual Target Data for FFY 2009 (July 1, 2009 – June 30, 2010):

**100%** (one of one) of signed written complaints received by the Lead Agency had reports issued within 60 days. The data source for this Indicator is Table 4 of the Report of Dispute Resolution under Part C, of the Individuals with Disabilities Education Act (2009 – 2010). See **Attachment ma-apr-2011c#8, Table 4.**

The Lead Agency received a formal written administrative complaint related to compliance with Part C of the IDEA, and more specifically, the Family Education Rights and Privacy Act (FERPA). Several other issues noted in the letter of complaint did not relate to issues of compliance with the IDEA or the Massachusetts Early Intervention Operational Standards. The signed written complaint was received by the Lead Agency on March 8, 2010. The report of conclusions, based on the Finding of noncompliance related to the confidentiality requirements of the Massachusetts Early Intervention System Procedural Safeguards and Due Process Standards was issued on May 5, 2010.

A Corrective Action Plan was issued to the Early Intervention Specialty Program regarding the disclosure of information from a child's education record without obtaining appropriate consent or verifying the authority of the individual to obtain information. The program is in the process of developing policies and procedures subject to the requirement of the Early Intervention System Procedural Safeguards and Due Process Standards, IDEA and FERPA. The program will also develop a training module regarding confidentiality rights of all Part C eligible children to ensure staff competency in updated policies and procedures. This module will be added to the program's Orientation Training and CORE training for all staff. The Lead agency will provide ongoing technical assistance to ensure this revised policy is being adhered to and verify correction of noncompliance and will report on correction of this finding in Indicator 9 of the FFY 2010 APR due February 1, 2012.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

Concerns from constituents continue to come to the Lead Agency's attention via any number of programs or personnel within the Lead Agency including, but not limited to DPH Community Support Line, Family TIES, (the Lead Agency's Central Directory), the EI Regional Specialists, and the Early Intervention Parent Leadership program or focused monitoring visits. Established mechanisms channel concerns to the Director of the Office of Family Rights and Due Process to ensure consistency of information or dispute resolution. Families are provided with an explanation of the scope, limitations, process and timelines of an administrative complaint.

The Lead Agency continues to offer families the option to file complaints on matters alleged to be inconsistent with the Massachusetts Early Intervention Operational Standards in addition to any potential violations of IDEA.

Family Rights and Due Process Training and technical assistance is provided to staff at a local Early Intervention Program at the request of the Program Director. The Director of the Office of Family Rights and Due Process is available to provide training on procedural safeguards for staff and an opportunity for staff to ask questions and dialogue regarding Family Rights and Due Process.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010**

***Improvement Activities FFY 2010***

The Lead Agency continues to work on the development of an online training module for families by the end of FFY 2010. The content for the module is near completion and will be piloted with families prior to finalizing. The intent is to offer multiple opportunities and formats, such as DVDs, online, Face to Face, Webinars, chat rooms, etc. to share information with families and support them in understanding family rights and ways to effectively communicate their child's needs.

**Timeline** – Calendar year 2011

**Resource** – Dir., Office of Family Rights and Due Process, Asst. Dir. Early Childhood Programs, Dir. Early Intervention Training Center, Parent Leadership staff.

***New and ongoing Improvement Activities noted above are reflected in the Massachusetts Part C State Performance Plan that will be posted on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention).***

Massachusetts Part C also extended its targets and improvement activities for two additional years (FFY 2011 and FFY 2012). The revised targets and improvement activities are included in the SPP.



## Part C State Annual Performance Report (APR) for FFY 2009

### Overview of the Annual Performance Report Development:

#### Monitoring Priority: Effective General Supervision Part C / General Supervision

**Indicator 11:** Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2009</i> <i>(July 1, 2009 – June 30, 2010)</i>	<i>100%</i>

**Actual Target Data for FFY 2009 (July 1 2009 -June 30 2010) 100%** (one of one) of due process hearing requests received by the Lead Agency were fully adjudicated within 30 days. The data source for this Indicator is Table 4 of the Report of Dispute Resolution under Part C, of the Individuals with Disabilities Education Act (2009 – 2010). **Attachment ma-apr-2011c#8: Table 4.**

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

The Lead Agency had one request for a due process hearing during FFY 2009 that was fully adjudicated within the 30-day timeline. The Lead Agency credits the efficacy of the hearing officer who managed all aspects of the process complicated by the fact the request was filed in the middle of a holiday week (December 29, 2009) while the parents were out of state (due a death in the family), and the restricted availability of defendant.

The hearing was held on January 13<sup>th</sup>, 2010 and a written decision was issued on January 20<sup>th</sup>, 2010 (submitted to the Lead Agency on January 18<sup>th</sup> and issued to the parties on January 20<sup>th</sup> with the hearing officer's original signature). The decision resulted in the Lead Agency requesting a corrective action plan from by the provider. The provider has complied with all orders set forth in the decision; however, the provider has brought suit for declaratory judgment in Superior Court against the Lead Agency on the issue that was the core of the dispute (mutually waived at the hearing) and has proposed as remedy the court throw out the Lead Agency's corrective action plan. The Lead Agency will report on the status of the correction of this noncompliance in Indicator 9 of the FFY 2010 APR, due February 1, 2012.

The lead agency continues to inform families of all options related to dispute resolution including their option for a due process hearing. The availability of training for families related to their procedural safeguards and options for dispute resolution is posted on the Early Intervention Parent Leadership website. [Eiopl.org](http://Eiopl.org)



**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:**

***Improvement Activities FFY 2010***

The Lead Agency will continue to determine the need to secure additional hearing officers should the need arise.

Recognizing the diverse learning styles, schedules and responsibilities of family life, the Lead Agency continues to work on the development of an online training module for families by the end of FY 2010. The content for the module is near completion. Review of the procedural safeguards module includes the suggestion that the options for dispute resolution due are afforded their own learning module. The intent is to offer multiple opportunities and formats, such as DVDs, online, Face to Face, Webinars, chat rooms, etc. to share information with families and support them in understanding family rights.

**Timeline** – Calendar year 2011

**Resource** – Dir., Office of Family Rights and Due Process, Asst. Dir. Early Childhood Programs, Dir. Early Intervention Training Center, Parent Leadership staff.

***New and ongoing Improvement Activities noted above are reflected in the Massachusetts Part C State Performance Plan that will be posted on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention).***

Massachusetts Part C also extended its targets and improvement activities for two additional years (FFY 2011 and FFY 2012). The revised targets and improvement activities are included in the SPP.

## Part C State Annual Performance Report (APR) for FFY 2009

### Overview of the Annual Performance Report Development:

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 12:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = (3.1(a) divided by 3.1) times 100.

FFY	Measurable and Rigorous Target
FFY 2009	N/A

**Actual Target Data for FFY 2009** N/A

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009

Currently, Massachusetts Early Intervention operationalizes standards consistent with Part C due process procedures and has not adopted Part B procedures. Resolution sessions are not included in the state's due process and procedural safeguards.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010** N/A

## Part C State Annual Performance Report (APR) for FFY 2009

### Overview of the Annual Performance Report Development:

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 13:** Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

FFY	Measurable and Rigorous Target
FFY 2009	N/A

#### Actual Target Data for FFY 2009 :

Massachusetts reported fewer than ten mediations (one mediation related to due process hearing that did not result in an agreement) and is not required to provide targets or improvement activities until any FFY in which ten or more mediations were held.

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

In FFY 2009 there was one request for mediation. This request accompanied the request for a due process hearing noted in Indicator 11. The mediation did not occur as the parent and the provider were unable to find a mutually agreeable date prior to the date of the due process hearing. The Lead Agency continued to value its relationship with the Bureau of Special Education Appeals (BSEA) via an interagency service agreement (ISA). The Coordinator of Mediators at the BSEA provided access to three different mediators within the very limited time frame in order to accommodate any date selected by the parent and the provider. While the provider acknowledged through his attorney his interest to access mediation, he was not available on the dates available prior to the hearing.

#### Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010

**Improvement Activities FFY 2010:** The Director of the Office of Family Rights and Due Process will continue to meet periodically with the BSEA mediator to provide additional technical assistance and information regarding the Massachusetts Early Intervention Operational Standards, Policies and Procedures and Federal Regulations.

**Timeline** – Calendar year 2011

**Resource** – Dir., Office of Family Rights and Due Process

**New and ongoing Improvement Activities noted above are reflected in the Massachusetts Part C State Performance Plan that will be posted on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention).**

Massachusetts Part C also extended its targets and improvement activities for two additional years (FFY 2011 and FFY 2012). The revised targets and improvement activities are included in the SPP.

## Part C State Annual Performance Report (APR) for FFY 2009

### Overview of the Annual Performance Report Development:

#### Monitoring Priority: Effective General Supervision Part C / General Supervision

**Indicator 14:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** State reported data, including 618 data, State performance plan, and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count and settings and November 1 for exiting and dispute resolution); and
- b. Accurate, including covering the correct year and following the correct measurement.

States are required to use the "Indicator 14 Data Rubric" for reporting data for this indicator (see Attachment B).

FFY	Measurable and Rigorous Target
<i>FFY 2009</i> <i>(July 1, 2009 – June 30, 2010)</i>	<b>100%</b>

#### Actual Target Data for FFY 2009:

100% of state reported data (618 and SPP/APR data) were submitted on time and were accurate. The Data Source for the Actual Target data was obtained utilizing the Part C Indicator 14 Data Rubric, **Attachment ma-apr-2011c#9**. The Massachusetts data system provides cross-system validation through the use of service delivery data to validate the Early Intervention Information System (EIIS) data to ensure valid and reliable data for 618 and SPP/APR Indicators.

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

As noted in the Indicator # 14 Data Rubric, Massachusetts met its target of 100%.

Massachusetts continues to utilize two major data systems, the EIIS and the Service Delivery Report System to ensure valid and reliable data submission. The EIIS data management system captures client level data registration, eligibility, evaluation, IFSP and discharge data. The EIIS has several built in validation systems which compare submitted client data to service delivery data. If anomalies are identified, the system will issue a red flag prior to data being utilized for federal reporting. The Data Manager and regional lead agency staff follow up with local EI programs to verify and/or correct the data.

The Service Delivery system correlates with the EIS and included data on what services are rendered, who is providing the services and how the services are rendered. The SDR also has built in edit checks that identify data anomalies as they relate to 618 data by creating red flags before the data are submitted to the Lead Agency.

The EI Data manager staff sends monthly "client errors reports" to all EI programs. Local program are required to review the monthly data reports and make necessary changes to ensure valid and reliable data is being transmitted. The report highlights programs that have shown significant improvement in data entry from month to month. The Lead agency is utilizing the monthly error reports as a data source for onsite Focused Monitoring which has raised awareness at the local program level regarding the importance of timely and accurate data collection and entry.

The Lead agency highlighted some best practices to offer tips to programs to enhance their data management systems which included the following:

- Create a "program culture" that prioritizes the importance of reliable and accurate data collection and entry.
- Identify a key point person to oversee the data management system.
- Offer staff an opportunity to provide input into the data collection process/system to provide "buy in" and "ownership" of the importance of good data collection processes.
- Develop data checklists for staff to ensure timely and accurate completion
- Establish monthly tickler reports
- Identify a back-up individual when the data manager is unavailable
- Attend and participate in DPH trainings and teleconferences related to data entry requirements and timelines.
- Monitor patterns, errors and trends in timely data completion of forms by staff.

The Lead agency continues to validate local program reported data as noted in the Massachusetts Data Verification Plan posted on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention).

Lead agency regional staff conducted data verification activities via record review at Early Intervention Programs to verify that eligibility is being appropriately determined. The Regional EI Specialist reviewed a minimum of ten files at each EIP by prioritizing those records identified on the Error Report where the eligibility status is considered as missing, ineligible or undetermined. If a program had no eligibility errors identified on the error report, staff will randomly select records from each of the 4 eligibility categories; Established Condition, Established Delay, At Risk and Clinical Judgment.

The Lead agency staff will share feedback on the data verification process with programs and will be available to provide technical assistance at the program, region or statewide level to ensure that current eligibility criteria are being interpreted and applied universally.

In addition, the Lead Agency hosted a teleconference for EI staff to review and discuss the following reports and issues to ensure timely and accurate reporting:

- Data Reports and How to Use them
  - Public Reports
  - Program Summation Report
  - October 1st Child Count
  - Error Reports (paper reports sent to program directors monthly)
- Transition Databases
  - FY10 Results
  - FY11 Quarterly submissions
- EIS Upgrade
  - What changes
  - When

**Public Reporting/Local Determinations** – Massachusetts publically reported local program performance on Indicator # 14 on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention) and data will continue to be reported on an annual basis. In addition, local program reports were distributed to each EIP highlighting program performance on the timely and accurate data. Data gathered on this Indicator is used in making Local Determinations.

**Focused Monitoring** – EIS Error reports will continue to be used as a data source for onsite Focused Monitoring Selection.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010**

***Improvement Activities FFY 2010***

The Lead Agency will continue to provide EIS enhancements as necessary to collect valid and reliable data for federal reporting purposes. Ongoing training opportunities for local program staff will be provided as needed.

**Timeline:** Ongoing

**Resource:** EI Data Manager/Assistant Director, Early Childhood Programs

New and Ongoing Improvement Activities noted above are reflected in the Massachusetts Part C State Performance Plan available on the Lead Agency website at [www.mass.gov/dph/earlyintervention](http://www.mass.gov/dph/earlyintervention).

Massachusetts Part C also extended its targets and improvement activities for two additional years (FFY 2011 and FFY 2012). The revised targets and improvement activities are included in the SPP.